

# 28th ANNIVERSARY NUMBER

# VARIETY

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128 PAGES

## LEADING FILM NAMES OF '33

### ABA Asks Gov't-Sponsored Vaude in 600 Dark U.S. Theatres Through NRA

U. S. Government-sponsored night stage shows for about 600 dark theatres between the two coasts are involved in an unemployment relief plan submitted to the Grover Whalen NRA Committee in New York by the Actors' Betterment association.

The government's part as suggested by the ABA through its executive secretary Ralph Whitehead, would be direct supervision and a subsidy to the extent of guaranteeing the actors, musicians and stage hands the minimum wages as provided for by their own NRA codes.

Local civic co-operation would be sought, in return for the money put into circulation locally by members of the shows. Local stage crews and orchestra would be used, the ABA declares, although the shows would carry their own musical conductors.

3 and 1

As the ABA plan is outlined in brief, it calls for three eight-act vaudeville bills against one legitimate road show or musical every four weeks. Government would be asked to guarantee transportation as well as minimum salaries.

It's further suggested that if the nature of the routing made it possible, the travelling bills would be expedited by economical bus transportation. According to the ABA, the several bus companies already sounded on rates have agreed to co-operate.

Because considerable time would be consumed between now and such a time as the vaudeville road show

(Continued on page 84)

### COMMISSAR LITVINOFF PULLS A HARPO MARY

Moscow, Dec. 31. Commissar Litvinoff let some knives and forks fall from his sleeve in a gag takeoff on Harpo Marx when coming backstage at the Moscow Music Hall to congratulate the American comedian after his one night stand here.

Audience gave the silent member of the Four Marx Bros. a big ovation. Cream of the Soviet theatre and filmdom attended the performance, also other high officials besides the Commissar. Director Pudovkin in his introductory speech called Harpo "the world's greatest comedians."

After the show they gave Harpo a banquet. He left last night for Paris prior to returning home.

### POLICE CHIEF AN ACTOR

San Francisco, Dec. 31. Frisco's radio-performing police chief, William J. Quinn, is due for a return to NBC as a sustaining feature about Jan. 15, doing a series of talks on police work.

Last year he played himself in the leading role of dramatic re-countings of important Frisco police cases, written by Carlton E. Morse.

### While You Ride

A new taxicab company is heralded as opposition to those offering radio entertainment enroute.

The new cab firm proposes floor shows with midgets.

### GIRL STENOGS AS OLD GOLD JURY

Helping the execs of Lorillard, makers of the Old Gold brand, pick a successor to Fred Waring is a committee of 12 girls culled from the commercial's New York office staff. Bevy sits in on all auditions and is delegated not only to pass judgment on the entertainment merit of each of the acts but to determine what possibilities the turns have of appealing to the younger element of listener.

With the candidate list still on the increase things are beginning to look confusing for the stenog advisory bunch. They're finding it tough regimenting their impressions and recalling what they liked particularly about each of the auditioned shows. So far the name responsible for bringing the heftiest rise from the girls committee is Dick Powell. Following the Powell hearing piped from Hollywood to the CBS studios here two of the delegates gave vent to their ga-ga reaction by urging the others to "vote for Dick." Linked with the picture warbler in the audition from the coast was the "Ted Flu Rita" and others given a hearing to date for the Old Gold spot which Waring exits Jan. 24 are Phil Spitalny with a choir, and the Mills Bros. Ted Lewis and Buddy Rogers with Ruth Etting.

### Wash. Flood Doesn't Deter Theatres; Some Hold Relief Benefits

Tacoma, Dec. 31. Washington's northwest town which inundated nearly every town in western part of state, which caused losses of over \$10,000,000 caused only inconveniences and lack of heat in theatres. The shows went on even with water on the floor of some of the small houses in the little towns. Some theatres were used during the daytime for Red Cross headquarters.

Nearly every theatre in the west of the state held flood relief performances in conjunction with local organizations.

By Arthur Ungar

Hollywood, Dec. 31. Picture stars whose personal draw at the boxoffice during 1933 meant something could be counted on less than 10 fingers, and if you want to be fussy—five will do.

The day of the star drawing over the picture seems to be going or has already gone. Audiences today want story and performance. In the day of the silent it was another matter. Stars were then always the outstanding element regardless of story. Two bad films in a row might slow them up a bit but it wasn't fatal. But in 1933 NRA, it's different.

Those stars who singly, or collectively, draw in a good picture couldn't draw when they showed in a cluck.

This running of hot and cold and cold and hot didn't do any of them any good. The element during 1933 was story first and cast afterward.

Switching from the players for a minute, the six leading boxoffice directors of the year figure as follows:

Mervyn LeRoy  
Leslie Ruggles  
Lloyd Bacon  
John Cromwell  
George Cukor  
Sherlock Sherman

Above rating and directors are based upon the succeeding data, with the company designated after each name the one to which the director is under contract:

LeRoy (WB) sets pace, on the strength of "Fugitive from Chain Gang," "Gold Diggers," "World Changes," all for Warners, and "Tugboat Annie" at Metro. Ruggles (Par) had "No Man of Her Own," "Human" and "No Man of Her Own." Lloyd Bacon (WB) handled "42nd Street," "Footlight Parade," "Elmer the Great" and "You Said a Mouthful." Cromwell (Radio) did "Double Harness," "Anne Vickers," "Silver Cord" and "Sweeps." Cukor (M-G) did only two on the year but they were "Little Women" at Radio and "Dinner at Eight" for Metro. Sherman (Radio) turned out "She Done Him Wrong" (Par) and "Morning Glory" for his own lot and also had a couple of bad ones.

Other directors, who, on a box-office basis, come under the heading of what the football pluckers classify as "honorable mention," would be Sam Wood (M-G) with "The Barberian," "Prosperity," "Hold Your Man" and "Christopher Bean"; and John Stahl (U) on "Back Street," made late in '32 but released in '33. From the coast stance, a studio consensus names these as the six best money pictures of the year:

"She Done Him Wrong" (Par). "Tugboat Annie" (M-G). "Goldiggers" (WB). "42nd Street" (WB). "Little Women" (Radio). "State Fair" (Fox). "Cavalcade," also Fox, parred with that company's "State Fair" in the U. S., although the Coward filmization eclipsed it in England. However, production costs is an element that must be considered.

### Bunching 'Em

Another practice which hurt the star aggregation was to use a galaxy of them in one picture. Metro did this with "Dinner at Eight" on the heels of "Grand Hotel," (Continued on page 27)

### Bitter Sarcasm and Satire Used by KNX to Fight Radio-Press Pact

Mike Shea—NBC

In this 28th Anniversary number of VARIETY is included the 50th anniversary of Mike Shea and the 7th Anniversary of NBC.

### LARGEST MOTOR CIRCUS, MIX TO TOUR IT

Dallas, Dec. 31.

Tom Mix yesterday (Sat.) entered into a partnership with Sam B. Dill, head of the big Dill circus interests, whereby the screen and circus cowboy will combine Tony, his stables, his outfit of performing cowhands and equipment to star under the Dill big top for a period of years, beginning this coming season.

Mix at present is on the final stretch of six months appearance on tour in theatres with his Tom Mix Roundup, comprising aerial Ward Sisters, performing cowboys and horses. He opened yesterday at the Paramount, Shreveport.

New circus will be known as the Sam B. Dill three-ring circus, combined with Tom Mix Roundup, star, Tom Mix and Tony. Dill show comprises 90 motorized units and Mix's fleet of trucks to be combined with them. Entire outfit undergoing redecoration. Dallas is winter quarters here within the month.

Show opening is set for Little Rock, about the middle of April, beginning a long season through north and east.

New big money is being expended to make the show one of most largest motorized units in the world, intensive on tour, and certainly the living quarters plans distinct in nature; most elaborate yet.

### Rigors of Vermont

Barre, Vt., Dec. 31.

Local night clubs were refused the right to hold midnight parties on Christmas and New Year's Eve. The Monte Carlo and Hollywood both had bookings made for floor shows and orchestras, but these had to be canceled when city administration finally refused to let night spots remain open after 12 a.m.

This is the first year it has been clamped down here. Order did not bother theatres and they were permitted to hold midnight shows on New Year's Eve.

Hollywood, Dec. 31. Western independent radio stations are not accepting the proposed curtailment of news broadcasts. KNX, leading the fight for the western stations, devoted 15 minutes Dec. 28 to an air editorial in which the proposed censorship board on news was satirized. Broadcast was relayed by several other coast stations.

Program opened with the playing of "Rule Britannia," with an announcer explaining that this was symbolic as the broadcast was to show the public that it was the newspapers hereafter that are to rule the waves—air waves.

Editorial reviewed the current status of the chain's agreement with the newspapers and pointed out the probability of the creation of a news censorship board for radio which will censor all news and supply only bulletins that have previously been printed six hours before.

Today's News: Tomorrow Saturizing what might happen under such regulations yesterday's weather reports were read with this angle of the broadcasting ending: "For today's weather—see today's paper."

Another element of sarcasm followed with the pretended broadcast of a mythical meeting at Washington between President Roosevelt and ambassadors of foreign nations on the debt question. It was interrupted as the President was about to be introduced by stating that the program had been censored.

Station called on all listeners to write protests on the ground that their rights are being jeopardized to M. H. Aylesworth, president of NBC, and to the Federal Radio Commission.

Series of attacks made by KNX, Los Angeles, on the peace terms agreed to by the networks and the press had its repercussions in New York last week in the form of six bags of fan mail addressed to M. H. Aylesworth. In arraigning the parties for agreeing to cede the regulation of news broadcasting to the press, the California station called upon the listeners to make protest both to the Federal Radio Commission and to Aylesworth, whom KNX described as the instigator of the true.

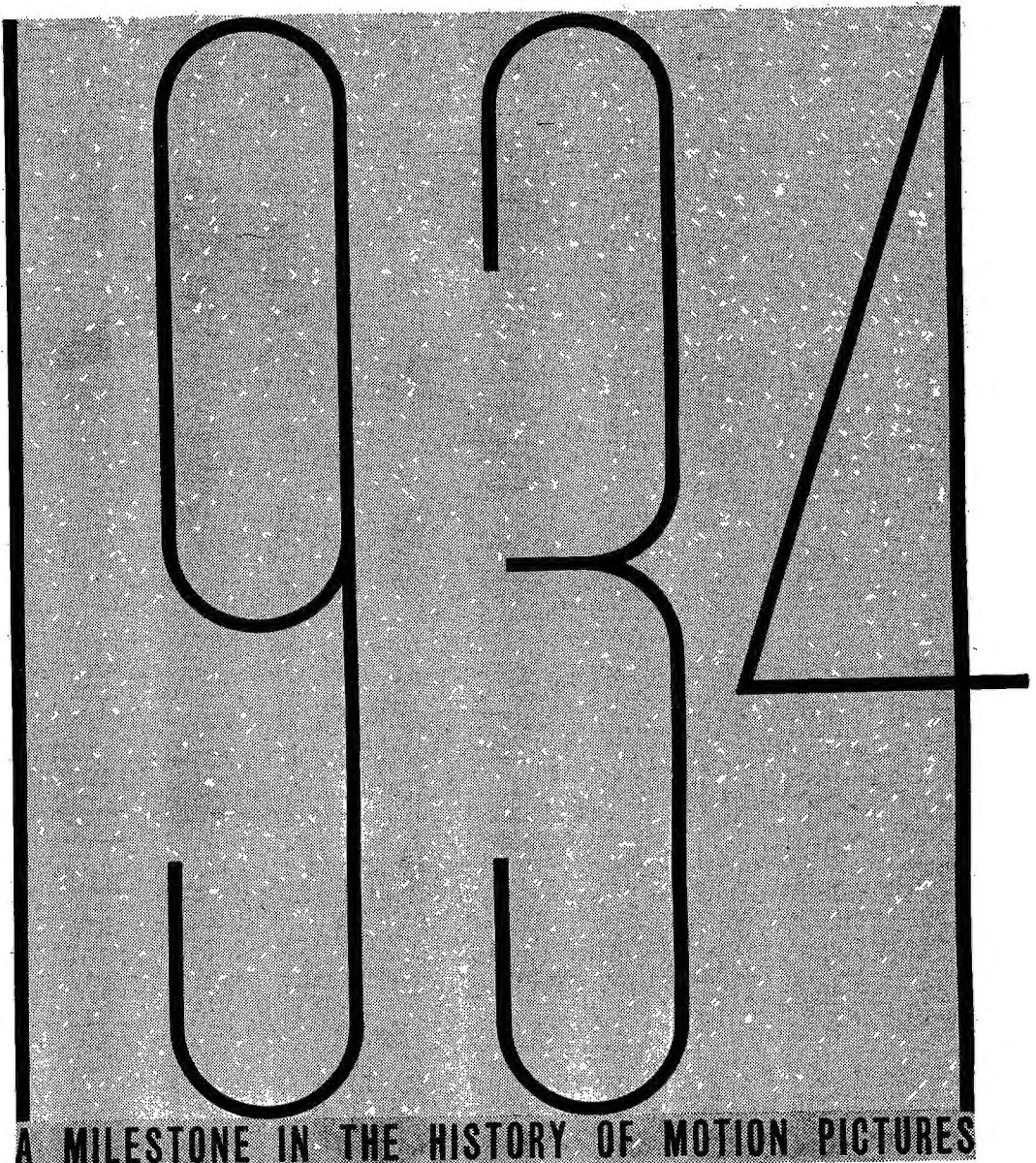
Figured that the NBC proxy's barrage of mail from this source amounted to over 30,000 letters and postal cards. Ratification meeting on the deal between radio and the press will be held Saturday (6).

### TIMBERLAND CIRCUIT

Minneapolis, Dec. 31.

The "timberland circuit" is a new one for these parts, consisting of government reforestation camps throughout Minnesota.

Five portable projection sound sets are out all the time making the "circuit" and each of the 35 camps sees a film once a week. Admission 15c.



A MILESTONE IN THE HISTORY OF MOTION PICTURES

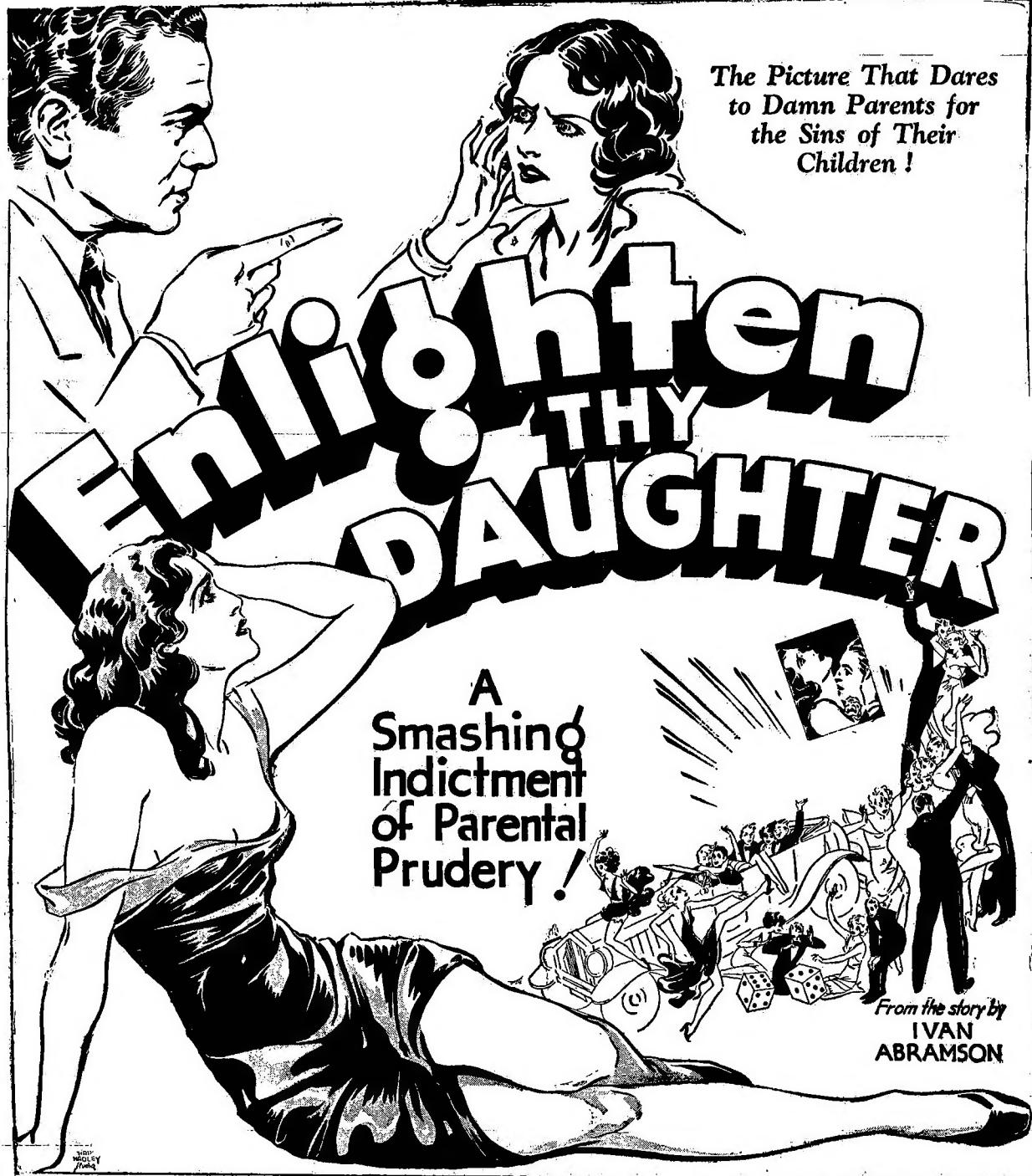
*Marking*

**MIKE SHEA'S** fiftieth successive successful year in show business.

**VARIETY'S** 28th year as the outstanding publication in the amusement field.

**PARAMOUNT'S** 22nd year of leadership in the motion picture industry.





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# Just simple arithmetic

## ROXY, N. Y.

Per usual the stage show eclipses the screen fare. That's been the secret of the theatre's post-receiver ship operation the red which has taken it out of the red and into a profit regularly. .... *ABEL*

+

## ROXY, N. Y.

While the Roxy continues to pile on length to its shows, and less quantity would suffice, the quality by comparative present day standards remains quite high. It appears that Fanchon & Marco's appears and intimate knowledge of the long and intimate market is making the Roxy possibly the best-booked big house in Manhattan. .... *LAND*

## ROXY \$18,500 PROFIT VS. 229G LOSS IN '32

Howard S. Culman was appointed receiver of the Roxy, for six months by Federal Judge Francis Caffey after a hearing last week. The report which Culman submitted to Judge Caffey showed that the Roxy has a profit of over \$18,500 for 1933 compared to a net loss of \$229,500 for 1932.

VARIETY  
December 19, 26, 1933

**STAGESHOWS**  
1560 BROADWAY, NEW YORK  
BRYANT 9-3100  
A SUBSIDIARY OF  
FANCHON & MARCO.

# UNIVERSAL first again

## with the big new idea in pictures —

**A** swift-moving romance-adventure-mystery drama whose plot involves every passenger on a transcontinental bus trip... Speed and snap in every scene, with scenes changing as rapidly as the bus flashes from city to city... and a smash climax that will hold your crowds spellbound!

with  
**JUNE KNIGHT**

ALICE WHITE, Alan Dinehart, Eugene Palette, Henry Armetta. Story by Stanley Rauh. Produced by Carl Laemmle, Jr. Directed by Edward Buzzell. Presented by Carl Laemmle.



**LEW  
AYRES**

IN

**CROSS COUNTRY  
CRUISE**





*Season's Greetings  
To All My Friends*

**BUDDY  
ROGERS**

On Eastern Theatre Tour  
Returning to New York  
To Open at the Paradise  
Restaurant, January 26

**“THUNDER OVER MEXICO”**

Directed by

SERGI M. EISENSTEIN.

*Will Continue to Make 1934 a Happy Year for Exhibitors*

Available for General Booking at All

**PRINCIPAL EXCHANGES**

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METRO-GOLDWYN-MAYER

“RASPUTIN AND THE EMPRESS”  
“STORM AT DAYBREAK”  
“BEAUTY FOR SALE”  
“FUGITIVE LOVERS”

In Production  
“MEN IN WHITE”

# PROBLEMS OF FED'L RADIO COMM.

By Colonel Thad H. Brown\*

(Vice-Chairman, Federal Radio Commission)

To adequately cover this subject a writer would almost of necessity fill several volumes, but a concise definition of the Federal Radio Commission may be given as follows:

The Federal Radio Commission is an independent establishment of the national government dealing with the licensing of radio stations of every character, the licensing including the assignment of frequencies, the fixing of power to be used in transmission, and the determination of hours of operation.

The Radio Commission came into being in 1927 when there were a total of 737 broadcasting stations in the United States. Mergers and other changes have reduced this number about to 533 and have brought about a worthwhile improvement in service to radio listeners. During this period when the number of broadcasting stations has been decreased, the number of listeners has increased until today more than one-half of the homes in the United States are equipped with receiving apparatus.

It is these listeners which it is the paramount duty of the Commission to serve. The law under which the Commission operates directs it to act at all times for the benefit of the public interest, convenience and necessity. This is the yardstick by which the Commission measures its decisions.

It may be assumed, therefore, that all of the almost 600 broadcasting stations in the United States are operating in the public interest, convenience and necessity. Their stations operate under licenses issued by the Commission on definitely assigned channels or frequencies, with definite assignments as to power and hours of operation.

The field of broadcasting has not always been so well ordered. The first Federal law having any relation to radio communication was the Act of 1910. It was not a registration measure, however, but related solely to safety of life at sea. This was followed Aug. 13, 1912, by an amendment entitled "An Act to Regulate Radio Communication." It required the obtaining of a Federal license before engaging in any form of interstate or foreign communication by radio, the license to be granted by the Secretary of Commerce. There arose under this Act a question as to whether the Secretary of Commerce could exercise any discretion in the issuing of licenses, or whether he was under the mandatory duty of granting them to all applicants. A corporation had made application for a license for trans-Atlantic communication for a station at Sayville, Long Island. Although the applicant was organized under the laws of New York, the Secretary of Commerce had reason to believe that it was really controlled by German capital and Germany did not permit similar American-owned corporations to operate in that country. The Secretary of Commerce therefore submitted to the Attorney General the question of whether, under the 1912 Act, he had authority to refuse the station on this ground. The Attorney General replied he had not, saying that the Act did not repose any discretion in the Secretary as to the granting of licenses; if the applicant came within the class to which licenses were authorized to be issued. Thereafter, in 1921, an applicant operating a station in New York City was refused a license by the Secretary of Commerce because the type of apparatus it was using was such that it caused serious interference with other communications. The applicant brought a mandamus proceeding against the Secretary to require him to issue the license, on the ground that the duty of issuing it was purely ministerial. The court held that under the Act of 1912, the Secretary of Commerce had no right to withhold a license from the applicant to operate its apparatus for radio communication.

## First Two Frequencies

Up to 1921, the principal use for radio had been for point-to-point communication service. Few applications for broadcasting licenses were made. At this time there was no provision for wave lengths for this service so the Secretary of Commerce selected 833 kilocycles and later 750 kilocycles as suitable for broadcasting, and all broadcasting stations were licensed upon

these frequencies. Broadcasting grew rapidly and by 1928 there were several hundred stations trying to operate simultaneously on these two frequencies. It is not necessary to draw a picture of the confusion that resulted. In March, 1928, the Secretary of Commerce called a conference of the various radio interests to determine what steps should be taken in aid of broadcasting. The conference recommended that the facilities for broadcasting be extended so as to include all frequencies from 550 kilocycles to 1500 kilocycles. The 1912 Act, however, which made no provision for the distribution of wave lengths among the individual stations.

In 1926 a broadcasting station in Chicago, authorized to use a certain frequency for a specified time, became dissatisfied with its licensed conditions and "jumped" its assigned frequency. The Attorney General brought proceedings against it to enforce the penalties provided in Section 1 of the 1912 Act for operation in violation of that section. The court held that "under the rules as applied to criminal statutes, section 1 and 2 cannot be construed to cover acts of the defendant upon which this prosecution is based." There followed open sesame of frequencies and stations used whatever frequency they pleased. The result was such a hodge podge on the air that Congress was besieged with letters, telegrams, resolutions and demands that something be done about it. Whereupon in February, 1927, the present Radio Act became a law. It was predicated upon the thesis that radio communication is commerce and that Congress has the power under Article I, section 8, clause 3 of the Constitution to regulate commerce with foreign nations and among the several States.

Whatever doubt may have existed in 1927 in the minds of some of our Federal lawmakers as to the power of Congress to enact the Radio Act of 1927 under the so-called "Commerce Clause" of the Constitution, it is now well settled that radio communication is commerce. The Radio Act became a law. It was not a registration measure, however, but related solely to safety of life at sea. This was followed Aug. 13, 1912, by an amendment entitled "An Act to Regulate Radio Communication." It required the obtaining of a Federal license before engaging in any form of interstate or foreign communication by radio, the license to be granted by the Secretary of Commerce. There arose under this Act a question as to whether the Secretary of Commerce could exercise any discretion in the issuing of licenses, or whether he was under the mandatory duty of granting them to all applicants. A corporation had made application for a license for trans-Atlantic communication for a station at Sayville, Long Island. Although the applicant was organized under the laws of New York, the Secretary of Commerce had reason to believe that it was really controlled by German capital and Germany did not permit similar American-owned corporations to operate in that country. The Secretary of Commerce therefore submitted to the Attorney General the question of whether, under the 1912 Act, he had authority to refuse the station on this ground. The Attorney General replied he had not, saying that the Act did not repose any discretion in the Secretary as to the granting of licenses; if the applicant came within the class to which licenses were authorized to be issued. Thereafter, in 1921, an applicant operating a station in New York City was refused a license by the Secretary of Commerce because the type of apparatus it was using was such that it caused serious interference with other communications. The applicant brought a mandamus proceeding against the Secretary to require him to issue the license, on the ground that the duty of issuing it was purely ministerial. The court held that under the Act of 1912, the Secretary of Commerce had no right to withhold a license from the applicant to operate its apparatus for radio communication.

Although we are faced with the necessity of Federal regulation of broadcasting in the United States, I am quite sure that we do not want Federal ownership and operation of broadcasting here. Government ownership and operation of broadcasting facilities is the system adopted in many foreign countries including Great Britain. Such countries came into government radio operation rather naturally because of existing policies of ownership of railroads and telephone and telegram communication systems. It is greatly to be doubted whether any government ownership and operation of broadcasting could provide the excellent and diversified radio programs which the American listener enjoys today, and for which the proprietors of our radio stations should be complimented and the artists they employ congratulated.

It probably would be impossible to find a broadcaster in the United States who is thoroughly and completely satisfied as to the facilities with which he is licensed to operate. If he is satisfied with his frequency he probably is dissatisfied with the power rating assigned to him or with his hours of operation. His power may be satisfactory but he may think that another frequency would be better for his purpose than the one to which he is assigned. The broadcaster may be the owner of two or more stations



LEW WHITE

ORGANIST

Broadcasting daily at 8:30 A. M.  
from Radio City  
Ben: 1000. Paint Hour, Wed.  
11:30 M. WEAF

Hudson-Essex Hour, Sat. 10 to  
11 P. M. WEAF  
Organ Studio, 1680 Broadway, New York

which he would like to combine into one large station. To accomplish any change along these lines he must obtain the approval of the Commission. Applications to accomplish these and similar changes are before the Commission at all times. In many cases the Commission finds it possible to bring about an improvement in the allocation of the facilities by granting such an application. In many other cases it is believed that the public is best served by leaving the situation as it is.

Still more applications come from individuals and institutions who would like to enter the field of broadcasting, and they apply to the Commission for licenses to set up new broadcasting facilities. It is not always easy for the Commission to extend the existing broadcasting facilities to one community without damaging the service already being rendered to several other communities. Such cases must be decided on the rule of "greatest good to the greatest number."

The Federal Radio Commission in determining whether or not station licenses should be renewed or whether new stations should be established must decide whether the public interest, convenience and necessity would be served by the licensing or relicensing of stations. In doing this the Commission considers certain facts or conditions which briefly may be set out as follows:

1. Is the radio reception now being received in the area sought to be served adequate?
2. Does the applicant have sufficient financial ability to establish and maintain the proposed service?
3. Has the applicant the ability, training, and experience to produce a well-balanced program with sufficient talent available?

Would the proposed transmission cause objectionable interference with established broadcasting stations?

Has the "zone" and states within which the applicant wishes to establish his service their equitable share of broadcasting facilities?

Is the proposed equipment which the applicant desires to install modern in design?

These fundamental considerations indicate definitely why it is almost impossible to obtain authority to build new broadcasting stations in the United States or to augment the facilities of existing stations.

### The Kansas Case

The Commission, through its legal division, of which the General Counsel is its head, is always maintaining a close check of the records of stations. While the Radio Act specifically prohibits the Commission from exercising censorship of programs to be broadcast, the courts have upheld the Commission in its consideration of programs already broadcast in determining whether public interest would be served, by the continued operation of the station. A case arising in Milford, Kans., within the past few years clearly established that principle. In this case a station licensee

# Spot Broadcasting

## Hotel New Yorker Tests Radio as Room Renter

Hotel New Yorker is the latest hotel to ponder the merits of radio in renting rooms. A test campaign on behalf of the Manhattan tavern is being tried out in Washington, D. C. One minute programs with live talent framed by Walter Craig are being tried.

Ruthrauff and Ryan agency handles account.

was denied a renewal of license by the Commission when it held that the type of advertising emanating from the station was inimical to public health and safety, and for that reason is not in the public interest. The case was appealed to the Court of Appeals of the District of Columbia, which sustained the Commission as one of the judges of that court in writing the opinion quoted Scripture, stating "By their fruits ye shall know them." This case is of importance in that it recognizes the right of the United States Government, through the Federal Radio Commission, to determine whether or not a particular type of program is in the public interest.

Technical engineers employed by the Commission are among the ablest men of their profession to be found any place in the world. Employees of the Commission learn something of the technical side of radio through experience and concentrated study, but at all times the Commission must rely upon its loyal, conscientious and able staff of technical advisers. These men also assist in enforcing radio law and rules and regulations of the Commission. They conduct frequent tests to make sure that broadcasters actually are broadcasting on the frequencies assigned to them and with no more than the exact amount of power allowed.

Among the major problems confronting not only the Commission but the North American continent is the one involving the allocation of broadcasting facilities to Canada, the United States, Mexico, Central America and Cuba. Conferences have been held between representatives of all of these nations and more conferences will be held before a solution of this problem is arrived at. Certain facilities must be given to the people of all of these nations and it is not easy to look to determine what constitutes a fair distribution of facilities, to satisfy the people of each nation to satisfy to the people of each nation.

### Five U. Zones

A portion of the U. S. which it is the duty of the Commission to administer, provides that the United States shall be divided into five zones and that the radio broadcasting facilities of the United States shall be divided equally among each of these zones and that a fair and equitable allocation shall be made among the states within each zone according to population, the intent of Congress being that each zone is entitled to equality of radio broadcast service—both of transmission and reception. On June 17, 1930, the Commission adopted rules and regulations providing for the allocation of frequencies among the zones and states as above outlined.

Since that time it has been found that there is a difference in the service area covered by the various frequencies; that is, a station broadcasting on a frequency of 300 kilocycles gets out better than a station operating on a frequency of 1,200 kilocycles with the same power. The Commission at the present time is making a thorough study of this situation and working toward the end of a more equitable distribution of radio broadcast facilities among the zones and states.

The problems of the Commission usually are largely technical and I have not tried to discuss them from that standpoint. It is sufficient to say that throughout the four-year period that I have had the honor to be associated with the Commission, I can say without fear of contradiction that it has endeavored at all times to keep foremost before it the thought that public interest, convenience and necessity must be served.

\* Colonel Brown, former Secretary of State of Ohio, served as General Counsel of the Commission from December 19, 1928, until June 29, 1930, and during that date has been a member of the Commission representing the Second Zone which comprises the States of Kentucky, Michigan, Ohio, Pennsylvania, Virginia, and West Virginia.

By Bob Landry

Spot broadcasting seems to be the great agitator in radio. To begin with most of the radio industry is barely civil and seldom polite. Then there's the American Federation of Musicians, awfully anxious to attend spot broadcasting's funeral. And the Federal Radio Commission is scarcely its pal. Every platter must be preceded with a confessional, is an electrical transcription. And that's the boom of Hawthorne's heroine wasn't any harder to bear than this phrase.

Certain advertising agencies are sold on spot broadcasting but the majority of contract dispensers are network-minded, while the Four A's official opposition to the so-called general representative is in actual practice an anti-spot policy. General reps have been spot broadcasting's best friends and most eloquent advocates.

There's a stigma to wax that spot broadcasting cannot escape. It happens often enough that some radio disc is heard on the air and sounds rotten. There may be natural imperfections, yet so long as the quality has a question mark the destiny of radio discs must be uncertain.

Meanwhile, broadcasting progresses not so much by selling its own merits as by pointing out artfully and cunningly the flaws and weaknesses in the networks. This technique has been developed throughout radio during the depression. One agency knifes another, one network undermines the rival, one headliner chisels in on another's program. Machiavellian in slyness or bluntly above board, the daily game of making the other fellow seem like a crook or a fool goes merrily forward.

### Planting the Doubt

Actually spot broadcasting has some sharp tools. Advertisers buying so many towns and stations get most of their dope in graphs which can often be successfully disintegrated under the unkindly analysis of someone who knows where to look for the weak spots. Thus by showing that in eight of 20 towns the station the networks offer is not the best station in the community, a deadly doubt can be sown in the sponsor's consciousness.

The great argument of spot broadcasting is that wax programs can be concentrated where they're needed and the waste circulation of the networks, with the high cost per unit, avoided. This line of reasoning works admirably with the manufacturers whose distribution is regional or incomplete.

Spot broadcasting has also recently advanced the claim that 20 stations, strategically selected by geography, can blanket the entire country any night. This compares to twice as many towns as many outlets on a network hook-up. Power of large stations like WSM, Nashville; WFAS, Dallas, or WGY, Schenectady, permits the assumption that these stations are heard regularly far beyond the communities in which they are actually situated. Towns in which newspapers habitually list seven or eight stations in other cities are used by spot broadcasters as an argument that the overplaying of power signals can be adroitly employed to get maximum results for minimum cost.

### Photograph Records

Radio discs, of course, indigenously decay that they are phonograph records. Actually they are much more than that. But the distinction is largely technical to most people and advertisers shy away on that account. Against this spot broadcasting points to the wide range of celebrated names and entertainers who have been recorded on radio discs as proof the intrinsic merit and, moreover, of a quality far beyond anything the regional sponsor can hope to get within his own area.

Spot broadcasting has taken a lot of wallop in the past and its future is far from assured. In general its enemies are more influential than its allies. Spot broadcasting has not known how to counteract the propaganda with any degree of cleverness. Or, perhaps, couldn't afford the campaign necessary to give institutional prestige and standing.

## BROADCASTING IN 1933

By Bob Landry

That Chicago banker whose macabre sense of humor prompted him to predict that 1933 would be remembered as the year the depression began wasn't far wrong on radio. After breezing through 1930, 1931, and 1932 at a constantly accelerating upward swing broadcasting slowed down temporarily during the year just ending. It was probably the worst and longest summer the radio-industry has experienced, and not until well into the fall was renewed optimism confirmed by a belated influx of contracts which ultimately jammed the networks.

A taste of depression produces a chastening state of mind. It is also likely to be accompanied by changes born of retrenchment and dissatisfaction. Many such changes did occur in radio.

Of the quarrels within radio the feud with the daily press remained the bitterest. Manifestations of the newspapers' animosity bobbed up all the way from Greensboro, N. C., to Des Moines. Newspapers curtailed radio publicity to a minimum and in some instances banned mention of the ether altogether. Fuel on the smouldering embers of this rift was poured by Columbia's newsgathering bureau, organized along regular newspaper lines. That was interpreted as something pretty wily by many an editor.

As the year neared its close the networks and newspaper publishers patched up a peace treaty that resulted in the scrapping of the much-hated CBS News Bureau and the creation of publisher-controlled editorial authority to decide what and how much radio may broadcast of the day's news. This pact must still be ratified. General suspicion is that the end of the press-radio war is far from an accomplished fact.

Other radio battles were between networks and spot broadcasting, between the Four A's and the Association of National Advertisers, between the Federal Radio Commission and umpteen dozen individual stations. And those constant arguments between sponsors and talent, New York and Chicago, NBC and CBS, all stations and all musicians' unions, were undimmed by repetition and unsolved by time.

Of course, many of the encounters on the station relations battlefield never come out. Networks are in eternal conflict with their own affiliates. NBC, during the year sought to protect itself with more and better contracts as stations grumbled and yelled that they were being mistreated. Those visits to New York of regional broadcasters aren't just to see the latest musical comedies.

### 1933's First Quarter

Going back to January, 1933, the records disclose that the webs had a so-so month and were slowing down, whereas spot broadcasting had its best January. A counting of heads revealed that not since 1931 had broadcasting developed any new personalities. Foods, cosmetics, drugs and tobaccos provided 70% of network revenue. Lord & Thomas had spent \$5,461,866 the previous year and led the advertising agencies as radio's biggest customer. J. Walter Thompson, BB&O, and Erwin-Wasey, were right behind.

Things happened fast during the first quarter, ranging all the way from the attempt on President-elect Roosevelt's life and Columbia's nifty news scoop on that event, to Ed Wynn's confession that he would angel a regional network. General Pershing and Herbert Hoover were approached to broadcast commercially, but didn't, being better guessers than Wynn.

Congressman Louis McFadden charged that NBC earnings were being diverted to pay RCA expenses and wanted an investigation. In a peave at radio the Associated Press' shut off service to the networks. It was reported that CBS execs were in soup-and-fish oftener than in their offices. Radio leaders in general mingled extensively in elegant society.

Roy Durstine, expressed the belief that all things weighed and due allowance being granted for the wow headliners and programs, radio was essentially dull. Influx of show names to the air hadn't altered this. Everybody waited for the other fellow to initiate novelties and then everybody imitated.

On the personal side of the news, there was the marriage of Elmer

Bengston, KILZ production manager, to Mrs. Naomi Reynolds, owner of the station; Amos 'n' Andy's embarkation upon a nation-wide personal appearance tour that chalked up some box office records; rapid rise of Sidney Shiro within Chicago's NBC hierarchy; Jack Adams' induction into WMCA, and a fist fight between Nick Kenny, Manhattan radio editor, and Harold Stern, orchestra leader.

### Spring Panic

By May the panic was on. It was sensed that 1933 was to be the summer of the big drought. Before the seasonal fold-up was over many a station had more sustainers than at any time since crystal sets. WBBM, Chicago, had only five 15-minute periods weekly from CBS, although well fortified with 33 purely local features. This same station found out that it's unwise ever to slight President Eamon de Valera. When trading the Irish President in for a last-minute commercial, the station brought down on itself the verbal wrath of thousands. Switchboard was tied up for 30 minutes answering squawks.

CBS, always surveying, offered statistics that 60,514,000 listeners were reached by some 16,809,000 radio sets in the United States. Notwithstanding, the year 1933 was marked by a return of many an advertiser to newspapers. Conservative accounts adopted this reactionary trend on the theory that they were dealing with less intangible factors in publications.

There was a horror cycle of kid programs and NBC ultimately had to apply the brakes. Fears of censorship, parental criticism, were expressed and to a small degree materialized. World's Fair expected advertisers to flock for the privilege of broadcasting from the Exposition, but only a few were interested at the added costs. Networks weren't especially friendly to the expo on the commercial aspect, but expo to town in a big way on sustaining co-operation.

On the Pacific coast it was the same old story. Programs were atrocious, showmanship was missing altogether, and exceptions to these rules looked like masterpieces. Regional broadcasters in general displayed plenty of initiative and ideas around the country. Leading in aggressiveness were such stations as WLW, Cincinnati; WOR, Newark; WLS, Chicago; WSM, Nashville; WBT, Charlotte; WGY, Schenectady; WCKY, Covington; KDKA, Pittsburgh; WTMJ, Milwaukee; WJR, Detroit; WHAM, Rochester; WEEL, Boston; WTC, Hartford; KSO, Des Moines; KMOX, St. Louis; KSTP, Minneapolis; WCAU, Philadelphia; WPA, Richmond; WWNC, Asheville; KDKL, Salt Lake; KFJ, Los Angeles; WGN, Chicago, and CKLW, Windsor, Ont.

### Advertisers

Stations were in a peculiar position. The Four A's favored special representatives against the policy of Scott Howe, Bowen and World Broadcasting. Many outlets felt that the Four A's policy tended to favor network as against wax programs. Wax was, and is, the individual station's prime source of revenue. Issue came up at the NAB convention in White Sulphur Springs in the form of agitation to take the 'by electrical transcription' curse off wax shows. It seemed clear after the convention that the Four A's and the networks were better politicians than the party devoted to spot broadcasting for the issue, which had been clear-cut and definite, emerged from the convention pummeled out of recognition and comparatively easy to sidetrack.

In this complicated struggle for advantage the advertisers tended, at least by their attitude, to line up with spot broadcasting. The ANA was making faces at the Four A's. Advertisers would like to undermine that 15% commission which is now, they claim, out of line with the service actually performed by agencies.

But the advertising agencies continued to fear one another most of all. Accounts changed agencies on an average of every 18 months, it was calculated. Love was sweeping the country but not the ad agencies.

The radio code developed very little actual expressed opposition except from labor. As a compromise it was decided to hold the labor clauses in abeyance for 90 days and place the code in operation except for the question of working hours. Smaller stations read danger signals in the document but did little to stop the passage, perhaps figuring they would save

money by adopting Turkish fatalism.

Canada was divided in two camps, pro and anti, on its new radio commission. Five percent of the total time of any program was deemed a high enough ratio of advertising by the Dominion government. Advertisers thought otherwise. CFCAs, Toronto, expired in the night and the death certificate called it commission poisoning.

Several instances of advertisers trying to walk out on radio contracts and not getting away with it. Dutch Master Cigar found itself not at liberty to forget about a commitment to Jack Adams and the case reached the Appellate division. In Chicago the Critchfield agency had to pay when a sponsor scammed on 'Chickie' over WBBM.

Charley Hamm quit Peruna cold when a new agency tried to tell him how to perform. Hamm made a speech over the air about 'interfering, meddling, advertising agencies,' and then walked. WGN told the Chicago Broadcasters Association it was 'namb-y-pamby' and withdrew WIBO heard from the Federal Radio Commission and left the air.

That WIBO case hasn't been talked about a lot, but there's been plenty of whispering. Alvin Nelson, the dispossessed owner, has been campaigning against the commission ever since.

During the year, while a group of film exhibitors were whooping it up for Federal control, station operators in the midwest declared that film exhibitors must be crazy to invite Washington supervision. Radio wasn't all the first reports suggested. Running a station was tantamount to running a fever. Nothing was sure but trouble.

WPA, Dallas, WBBM, Buffalo, and WPH, Wichita, left Bill Ramm and WBBM, Fort Worth, and WTMJ, Milwaukee, left Free and Skinner to join the Edward Petty office, the first to abide by the Four A's motions of station representation.

Other more or less newsworthy developments during 1933 included the discovery that Hicks thought Al Jolson was imitating Harry Richman and George Price, his radio predecessors. Judge Rutherford, whose waxed sermons hit 300 stations, was buried in Canada and investigated in the United States for offending the religions. Col. Richard Patterson, a Democrat, became the number one vice-president of NBC. VARIETY printed a review of Harold E. McCormick of the International Harvester Corp., who revealed an unsuspected talent as a whistler; radio's first millionaire canary. Quin Ryan was applauded by the Chicago colored press for hiring James Mitchell, 16, as the only Negro actor on the air. Later Master James was stabbed by a playmate and brought to the Cook County Hospital. Stuart Peabody blasted 'parasites who inflate the cost of radio talent.' There were 300,000 automobile radios reported in use. VARIETY established a protected material department for radio writers who feared plagiarism. An NBC announcer received in grateful remembrance from his sponsor a \$60. jar of cold cream. A network efficiency expert put half dollars under the radiator to see if the janitor was (1) thorough, and (2) honest.

Put it all together and it spells radio.

**Radioite's \$21,411 Damage Award Hard to Collect**

Albany, Dec. 31. Betty Lee Taylor, radio and theatre organist, faces another fight to get the \$21,411 that was awarded her for injuries suffered in an accident to the automobile which she was driving here two years ago.

City of Albany and the New York Central Railroad have filed in the Court of Appeals an appeal against the award, which was upheld by the Appellate Division after it had been set aside by a justice of the Supreme Court in which a jury originally had returned a verdict in favor of Miss Taylor.

But the advertising agencies continued to fear one another most of all. Accounts changed agencies on an average of every 18 months, it was calculated. Love was sweeping the country but not the ad agencies.

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San Francisco, Dec. 31. NBC will cross-country Al Pearce and Gang for a half hour every Saturday afternoon, beginning Jan. 6. Matinee variety show will originate from Radio Playhouse, Los Angeles.

Moved by NBC to transcontinental, the Pearce show comes after a tryout that was okayed by the New York execs. Pearce's daily hour from 2 to 8 p. m. meanwhile continues on the Coast, part sustaining, part commercial.

**Pedlar & Ryan Agency Thinks Kay Francis Stall Unsportsmanly**

For the second time in two successive weeks Kay Francis last Wednesday (27) failed to show on the Ipana Troubadours program. Disappointment produced in the agency on the account, Pedlar & Ryan, a boil that for a while threatened to result in legal reprimands being taken against the picture name. What intensified the agency's resentment was the suspicion that Warner Bros. might have had something to do with the non-appearance but after the film producer had given assurances that WB 'had in no way influenced its contractor's behavior P. & R. decided to forget entirely the actress' obligation to Ipana.

Reason star gave for calling off the original date (20) was that the shock of her announced separation from her husband had been so unnerving that she would have difficulty reading her lines into a mike. Second cancellation brought with it the explanation that she was confined to bed by illness. Agency claims that in checking up on this excuse it found that the actress was still making the rounds of legitimate openings and had also been seen at several of the night spots. Ipana's advertising rep., however, had received the notice in time to scurry around for a substitute guest star for the program. Ernest Trux was the filler-in.

Kay Francis' was the first disappointment in the long list of picture name the dentifrice account has been using since the debut of the Troubadours less than three months ago.

**Charges Coast Stations With Code Violations**

Hollywood, Dec. 31. Four Los Angeles radio stations are violating the NRA Radio Code by not paying minimum wage scales to radio technicians as provided in the code, according to charges filed by Harold Smith, business representative of International Sound Technicians, local 696, IATSE, with the Los Angeles Regional Labor Board.

Local 696, which was originally organized for studio sound men, has been organizing radio men in the local field for several months.

**Guy Lombardo Combo Up For KHJ-Woodbury Aire**

Los Angeles, Dec. 31. Looks as if Guy Lombardo's orchestra will follow Lennie Hayton's combo on the Bing-Crosby-Woodbury Soap program over CBS from KHJ.

Hayton has two weeks to go.

**KFAB-WBBM Sync Near**

Lincoln, Dec. 31. Dee Dirks KFAB general manager has been making runs between Omaha and Chicago in an endeavor to get the allowed synchronization with WBBM, Chi., going by the middle of January.

New hitch involves considerable expense of new equipment maintaining a direct wire between the two studios and the building of a halfway station somewhere near the Mississippi in Iowa to control the current feeding.

**Goodrich Coming Back**

Goodrich Tire, which rates as one of the network's pioneer customers, is due to return to NBC the latter part of January with a half hour musical show. Cast auditioned for the spot included James Melton and Al Goodman.

Account has been off the air for over three years.

**KFWB's 'Queen Mary'**

Hollywood, Dec. 31. KFWB will produce 'Queen Mary' as fourth of its series of 'English Coronets.'

Beginning in three weeks it will follow the current 'Napoleon and Josephine' serial. Barker Brother, local furniture dealers, will continue commercializing.

Kay Van Riper will write, direct and play the name part.

**3 SUSTAINERS OUT AT CBS**

Columbia's annual New Year's house cleaning of its sustaining set-up this year affects Gertrude Nissen, Willard Robison and Gladys Rice. Action leaves the first of the milestones with the Ex-Lax stanza Monday nights as her only air contact. Both Robison and Gladys Rice were formerly affiliated with NBC.

Network has two warblers of previous buildup audience returning to a sustaining schedule within the course of the ensuing week. Mary Eastman takes a late evening niche Friday (6) and Charles Carllie a Sunday night (7) program with Howard Barlow as conductor.

**Mayor LaGuardia Scraps New York City's WNYC As Costly, Useless**

As one of his economy measures Fiorello LaGuardia, New York City's new mayor, is putting the municipally operated WNYC out of existence. Notice to this effect will be forwarded within the next week to the Federal Radio Commission.

WNYC several months ago shifted by the FRC to the 810-kc channel, which designation allowed WNYC and WPHC exclusive occupancy of 570 kilocycles in the New York area and their eventual merging of call letters. LaGuardia's move will also relieve the operators of WMCA of an implied obligation to the city's administration arising out of the reallocation.

Operation of WNYC has cost the city around \$50,000 a year. Outside of a studio band the talent expenditures have been \$11. In addition to acts that appeared gratis WNYC had an arrangement with other local stations to hook in on their programs. Christ Bohnsack, former City Hall reporter, has been WNYC's manager since its installation six years ago.

Cleendenning Ryan, one of the group of Wall Street scions operating WMCA, is the new mayor's executive secretary.

**PLough To 30 Mins. On NBC With Lopez**

Chicago, Dec. 31. Plough company switches its 'Penasco Revue' on NBC to Wednesday evenings for a 30-minute period. Jan. 3. Follows the previous 15-minute show which was shifted out of the way to make room for the 'Sal Hepatica' show.

With the move-over Benny Merck has gone off the program to be replaced by the Vincent Lopez orchestra. Also on the program are the King's Jesters. Other talent will be booked on the guesting system with Adele Starr and Tony Cacooch on for the first ride.

**Grunow Ready Show; For Ice Box Plug Only**

Chicago, Dec. 31. Grunow company planning a return to an NBC ride late this month with a musical show. Likely to plug the company's refrigerator, rather than radio. Follows a radio disc campaign which hit the ether last month.

Understood NBC musical series will be of institutional character. May be followed with series booked in with a merchandising contest.

**Lum & Abner on Stage**

Akron, Dec. 31. Lum and Abner, Ford commercial over WTAM, Cleveland, made vaude debut at Palace theatre here Sunday (31). Youngstown and other dates to follow.

Warren Wade, from WTAM, handling the bookings.

**Ready Cooper's Chills**

Chicago, Dec. 31. Bill Cooper's mystery stories for NBC secured to start this Friday or next. Will run on midnight for the chills. Will likely air on a local with additional stations added if and when.

## Regional Networks—And Why

By Ben Bodee

While the cross country link looks as though it will remain limited to the present NBC and Columbia representations for some time to come, the gathering together of stations to form regional networks is still an infant industry. Rarely a month goes by without a batch of outlets, individually owned as a rule, announcing themselves as linked into one of those cooperative selling plans.

Major motive for this territorial grouping today is sales resistance to, or protection against, some high powered station in the locality. Within the past two months two of these samples have popped up in the broadcast picture. One is the Tennessee group which organized itself to buck the 50,000 watter, WSM, Nashville, and the other is the Georgia group whose defense motivation is WSB, Atlanta.

This huddling together to resist the big fellow is nothing new to American business. But considered from the technical angle the circumstances which cause the organization of regional networks of the Georgia and Tennessee type are without parallel in anything mercantile. The chain retailer has been able to dominate the market within certain territories or regions, but to obtain this expansive sales, erage the chain factor has had to install one or more stores in the various towns embraced by these territories. But in the case of radio this domination is obtained through a single entity, a high powered station strategically located within this territorial market.

### BIG STATIONS' CONTENTION

The operator of the high powered outlet sets up the claim that through his transmitter an advertiser can be assured of coverage equal if not better to the coverage obtainable from three, four or five stations of smaller wattage located within the signal radius of the big watter. Not only does he set up the argument of effort economy in dealing with a single broadcasting source, but the owner of the high-powered station offers to sell this coverage at a price far under the total cost entailed if the advertiser bought the three, four or five stations individually at their local card rates.

Hence, as a way out of such situations the small watters have organized themselves into joint and centralized selling units. The price argument of the big watter is met by offering all the small stations included in the territorial unit, regardless of what their local card rates may be, at one figure equal to or less than the cost of the high powered outlet. Under this arrangement the national advertiser not only buys three, four or five stations for the price of one but, according to the sales argument of the territorial cooperatives, has the assurance of local dealer tieups with the local stations.

Another example of regional network organization is the Center of Population Group, this membership here including WHAS, Louisville; WSM, Nashville, and WCKY, Covington, Ky. Competitive point in this instance was WLW, Cincinnati's 50,000 watter which is due to double its power in the near future. With WSM, starting 60,000 watts, and WHAS, 25,000, this particular regional combining presents one of unusual strength compared to the general run of competitive alliances. The CPG affair, unsealed three months ago, has already established itself as one of radio's most powerful territorial selling factors.

Other motives have prevailed in welding together territorial networks. Don Lee, on the west coast, and John Shepard, 3rd, of the Yankee network, saw the advantage of linking up and controlling stations spotted within a region exceptionally rich in consumer markets. Other links have been formed to keep marketing and program costs down with this overhead split up and made individually as easy as possible for those concerned. Still, other territorial links have had their origin in the idea of selling them on a mass circulation basis, these stations generally being of the minor wattage and backhills type.

Like the national webs the regional combinations also have their worries when it comes to selling time across the board.

## MINEVITCH RASCALS RUN FOR ICE CREAM

Borrah Minevitch's new commercial starts Jan. 16 over WOR for Reid's ice cream, booked by the William Morris agency. Peter Dixon is scripting Boyle and Zipordit is advertising agency.

Minevitch and his Harmonica Rascals are currently at the Chicago, Chi., and will probably double into the Casino de Paree when getting back to start his air series.

## Extra Vacation for School Kids Spoiled As Teachers on Air

Des Moines, Dec. 30.—Des Moines schools undergoing repairs with NRA government funds will be closed an extra week during the New Year holiday stretch, which ordinarily would be a great break for the kids. Only KSO and the Board of Education plan a plot to keep the children at their lessons through the medium of the radio.

Bulletins explaining how the lessons would be held twice daily, morning and afternoon over KSO, were distributed to the students prior to the start of the vacation period. Students will have to turn in examination papers so they can't play hooky from the radio school.

### AUTO WEEK SPECIALS

Ruthrauff and Ryan agency, New York, is arranging a series of 21 one-minute quickie blurs on radio discs to run three-a-day during the duration of Automobile Week in the various towns. Left open so that they can be used in whatever town the celebration of Auto Week is an annual affair.

Dodge Brothers is using this series to supplement its regular waxings.

## FRC Should Stop Stalling—Dill

### Senator Likes Canadian Middle Course of Advertising Curbs

Washington, Dec. 31.— Senator Dill, chairman of the Senate Commerce Committee and co-author of the Federal Radio Act, last week assailed the Federal Radio Commission for inefficiency and a do-nothing policy. Expressing doubt that Congress will go for legislation forcing communications mergers and a central regulatory agency as favored by President Roosevelt, Dill called on the Commission to either get busy or give up the ghost.

Reaffirming confidence in the American system, Dill declared emphatically that steps must be taken by some governmental authority to curb inefficient advertising and served notice if the Commission doesn't swing into action he will introduce legislation abolishing the existing regulatory setup.

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Pointing out that the Commission is directed to protect the public interest, Dill declared the government agency has adequate power to step in and lay down rules governing the nature and amount of advertising matter accompanying a commercial program. Supreme Court has ruled Commission possesses this degree of authority, he said.

When the Commission was set up it had a difficult problem to handle, Senator Dill told VARIETY. It had a hard job getting allocations straightened out. But now that job has been pretty well accomplished, although there ought to be more allocations, and the Commission should begin to pay some attention to these matters of public interest.

It just sits behind these regulations it has laid down to protect itself and stands pat. With five commissioners drawing \$10,000 a year and a big staff of people to

## Dispute Cantor Theory

Advertising agency men appear not to share Eddie Cantor's viewpoint with regard to radio programs performed before audiences. While some actors take the same stand espoused by Cantor, the agency group feels that the objections to an invited audience do not offset the advantages.

Primarily, invited audiences is a device for winning consumer good will. Content is that through the distribution of these pasteboards radio programs have been strengthened in popularity, have obtained much word-of-mouth publicity. Another valued aspect for agency and sponsor is that dealer tie-ups fit in. Thus, dealers contacting their own customers can give away tickets to the broadcasts. It costs nothing but flatters that quirk of human nature which loves to get in on a pass to anything.

## VET TALENT DISCOVERED ON NBC

us Edwards is slated for a build-up on NBC. Starting in January, Edwards and his protégés have been breaking in around the lesser stations and the son writer-entrepreneur is deemed now ready for an important ether outlet.

Edwards has long ranked as a champion-pioneer-of-young-entertainers, and right now radio admitedly needs new people badly.

**Surprise!**  
Chicago, Dec. 30.—Amos 'n' Andy have been renewed for another year by Pepsonet. Which adds another notch to their long-run record.

help them, it's time they went to work on this issue.'

Noting that he has studied various systems used abroad and believes the American system is fundamentally more desirable, Dill remarked that he realizes revenue from advertising supports broadcasting here but sternly voiced his opinion that "much of the evil should be removed and could be removed without hurting the advertiser." Without using names, he added that certain sponsors have demonstrated that skillful treatment and limited volume of advertising patter can get results.

One reason for the advertising abuse, Dill opined, is the "awful wire charges" broadcasters are forced to pay for hook-ups. These should be cut down by Federal regulation, he declared, and the lightened financial burden would result in cutting down the volume of advertising.

Pointing out that the Canadian experiment along a middle course was expressed by Dill as well as in the German system, although Dill declared he believes there is no need to switch over to either of these policies until efforts to regulate the American system have been unsuccessful.

He was sympathetic, however, toward the German idea of broadcasting advertising chatter during specified periods, noting that the radio listener in Germany can tune out when the advertising talk is over.

Refusing to disclose legislative ideas he is working out, Dill said he would introduce measures intended to correct the situation in the session opening this week. He intends to wait, however, until he has conferred with members of President Roosevelt's Interdepartmental advisory committee before acting.

## Radio Guy

By Eddie Cantor

Ever notice with what delight a fellow says, "I told you so!" what he predicted has come true? Am I delighted.

In October, 1932, I said to several newspaper friends, who were nice enough to quote me, that before long, out and out gag comedy on the air was due to flop; that radio audiences were becoming smarter with each program, and rather than be gagged to death they would just stop dialing on the people who recited a series of jokes.

What I said over 14 months ago is coming true. The radio public is giving the gag the go-by for the situation-laugh guy. Despite the awful static coming from some radio editors to the effect that "comedy is fading on the air," as a successful little predictor I want to go on record with the statement that comedy—good comedy—will always be top in radio. If there are no laughs coming into the homes of the millions of radio owners, radio manufacturers will soon find themselves in a new business.

### Must Have Laughs

The musical programs are improving every day. Mr. and Mrs. America are strong for the symphony orchestras. Singers—good singers—are demand. Always will be. But take it from this ham, "ya gotta have laughs." Personally, on my own program, I try for a mixture of situation comedy and a few serious moments as the ideal combination.

Unless some sponsor has a product which is sold only in big cities, the program should keep its eye on the smaller communities of the country. They are the true radio fans—they not only listen, but buy your product. If a sponsor has a product for which he is seeking national distribution, he is committing commercial suicide if he permits his program to cater to the people in the big cities without regard for the listeners in the smaller towns. His program must be of the type that will create enough good will to have the listeners go out and buy Whosis, tooth paste, and Whatchamacallum paint and See & See's coffee.

Now then, if I may, just a little advice to performers. If you have been born and bred in or around the theatre—and believe me, that's the foundation of radio entertainment—divorce yourself from Broadway when you are on the air—if you want to stay on the air! Don't be fooled by the comments of theatrical wiseacres. Watch your fan mail. Keep your material fresh and clean. Don't depend entirely on yourself for material. Get yourself a good author. If you can afford more, get two or three authors. Don't be afraid of rehearsals. Four or five hours of rehearsal are not too much for a one-hour program. Respect your sponsor's judgment. If you were a success on the stage, forget it when you get on the air. "It's a new medium. Study it. Have records made of your broadcasts. Keep playing these records, and find out how you can improve your technique. If you are successful, don't take all the credit. There may be people on your program who have helped you attain this success. Share it with them. If you use a stooge (who is probably as good as you are, even though he has no name), share your good lines with him. Make him important. It will do your program a lot of good. Always keep in mind the fact that your personal success is secondary to the welfare of your hour as a whole.

I believe that with 1934 we will hear saner commercials. I appreciate the fact that advertisers, in buying time on the air, must allot part of that time to their product. And yet it is my contention that an advertising message over the air can be over-written or over-sold. Just the same as an advertisement in a newspaper can be the wrong type of copy to attract reader interest. Advertising agencies must discover that they are not dealing with morons.

If the big advertisers who use radio are wise, they will immediately eliminate studio audiences. If this is not done entirely, they will use some device such as a glass curtain, so that the laughter (?) and applause can be kept out of the homes of the people who tune in to hear radio artists and not a studio audience's reaction.

### Wasted Minutes

I don't care how smart or conscientious the radio performer may be, with a visible audience in front of him he is tempted to play to the elephant's tail. The laughter and applause on the average hour program, with a studio audience present, runs about four minutes. The sponsor is paying for that time and the listening public should get entertainment during those four minutes instead of laughter, a good part of which puzzles, and prolonged applause which irritates.

Don't let any comedian tell you that he needs the audience's reaction in order to time his gag. That's the bunk. It is merely soothing syrup for the guy's vanity. If he only knew it he would be 100% better off concentrating on that audience listening in throughout the country. His material would improve. A lot of old jokes would be discarded. The comedy would be more imaginative, more creative. The studio audiences are nice people, but they're a nuisance.

Radio is the greatest medium of entertainment in the world. It has made rapid strides. It will make greater progress in 1934 than it has made in the past five years. Its paramount needs at the present time are writers with originality and, of more importance, showmen.

Radio is show business, and you cannot run show busi showmen.

## Trumbull Booked Ahead

Chicago, Dec. 31.

Steve Trumbull, former CBS publicity and news man, will handle radio contact for the World's Fair in 1934.

Taking the place held previously by John Clayton.

### WOR TRANSMITTER STARTS

WOR, Newark, will start erecting its new 50,000 watt transmitter the middle of January. Carteret, N. J., is the site decided on for the apparatus.

Station is currently operating on 5,000 watts. Objections raised against the proposed structure by various elements in Carteret were overruled at a recent plebiscite of the townsmen.

Ed Jensen, manager of KVI, Tacoma, carried 100% of the local department stores the week before Christmas. Every recognized department store was on the air in town of 130,000.

## EXILED SOCIALISTS SEEK ARTICULATION

The Hague,

Exiled German socialists are continuing their efforts to find broadcast facilities on which they can present the anti-Nazi viewpoint for the benefit of Germany where 100% censorship leaves only high-powered radio as a means of getting things to the people inimical to the interests of the Hitlerites.

Russia, spurned the exiled German socialists whose political area too pink and diluted for the crimson red of Moscow, France, England, Switzerland, and Belgium have refused to allow their transmitters to be used for political propaganda.

Luxembourg and Holland are now possibilities while Poland and Austria, avowedly anti-Hitler, may allow the German exiles to do their stuff.

## Radio Showmanship

By BOB LANDRY

Riddle—You can't be sure, you only guess, it works one place and not another, it's vague, unpredictable, often crazy, the best brains can't understand it—What is it?

Answer—Showmanship.

And showmanship applies to radio. It may irritate and annoy business men, it may distract and divide advertising agencies. But radio can't escape showmanship. No chart or graph can analyze showmanship. The dictionary doesn't even mention the word. Showmen themselves can't unite on a definition. It is what *X* is, to algebra, steam to a locomotive, or sauce to a French chef.

In the theatre there are two main divisions of showmanship. First, and always first, the quality of the entertainment in respect to the audience to be reached and pleased. Second, the merchandising, exploitation, or selling of the attraction. A happy combination of a good show with good exploitation is the ideal. In radio it seems to be about the same. First the program must be right. It must attract and hold an audience. After that there are important supplementary aids to obtain maximum results and coverage.

### Very Program a Problem

Of course, what may be showmanship for a foreign language station on the outskirts of Buffalo is scarcely showmanship for the networks. Showmanship must be judged in terms of the problems involved and in radio effective programming. Advertising copy can't be judged as a music critic would judge a concert at Carnegie Hall according to certain fairly well established criteria. It's infinitely complicated by such matters as the nature and price of the product, the sales objectives of the sponsor, the weakness or strength of the distribution system, which in turn carries many local and peculiar situations, the extent and character of the competition, and the cultural level of the prospective audience.

Some concrete examples might be given at the risk involved of getting down to cases. But because most advertisers are loath to discuss results in actual terms of money, and because the flop programs are hard to appraise against the reticence of everybody involved, any attempt to comment from a showmanship viewpoint on specific cases invites the dangers of wrong conclusions due to incomplete information.

Wayne King's orchestra may be cited along with its sponsor, Lady Esther Cosmetics. This band, identified with a dreamy waltz tradition, was a perfect choice for the product which aims at the type of women still romantically motivated. So that on top of King's own showmanship, or merit, there was the showmanship of Lady Esther's choice. And there was showmanship of another kind, the hunch. This was illustrated by NBC, Chicago, which correctly estimated the outcome of the Wayne King-Lady Esther hook-up and gambled with a firm that in its early days, some thought, was stepping out over its head in trying to swing a program of such ambitious scope.

Another study in showmanship was the original Lucky Strike dance orchestra of some years ago. That program was rated good showmanship in the beginning, but had terrific speed. There was an announcer who talked like a cheerleader and music that consisted of nothing but choruses from nothing but hits played something but galloping tempo. The advertiser set the policy but time undid it. Lucky Strike showmanship failed to appreciate what candid—music publishers admit, namely that there is nothing as sing-songey and monotonous as pop music when overdone. So what started as a peppy and welcome program ended by blaring and blaring itself into an assult upon America's nerves.

Fred Allen's clever sugar coating of the commercial plugs for Hellman's Mayonnaise is radio showmanship at its best. Ben Bernie, Jack Benny, Ed Wynn and others trained in the theatre have tried to educate advertisers into this form of entertainment. The majority of the agencies erected to appreciate what candid—music publishers admit, namely that there is nothing as sing-songey and monotonous as pop music when overdone. So what started as a peppy and welcome program ended by blaring and blaring itself into an assult upon America's nerves.

Years

stayed among the popularity leaders. Careful thought has marked the introduction of every chain of imaginary events in their marathon serial. Several times they have hit stumps and lost listeners but generally they have been the first to understand the reason and detour from the wrong track. That, of course, is nothing but showmanship. Yet, how uncommon is common sense.

In adapting themselves to radio performers from the theatre learn that it's not what they think or know but what the sponsor likes. More than a few performers have dropped on the air because of being compelled to work with poor material. Classic example was Sherman and Pratt on the *Real Silk* program. These comedians were obliged to work almost straight. As a result they meant little to the program and did themselves no good.

Material is of course even more important to radio than to the stage. Personality is devaluated to a considerable degree by the microphone. Certainly performers depending on pantomime, mugging, peculiarities of dress, gait, manner, or the use of props and paraphernalia, are seriously handicapped on the air. Although Howard Thurston did well and got two option extensions, this magician on the air was but a feeble shadow of what he is on stage. Magic is meant for the eye rather than the ear.

Radio stations and networks are also held back by money factors. However fine an idea may be, if the cost in rehearsals, musicians, etc., is not warranted the idea is either dropped or cheapened into something quite dissimilar.

### Can't Repeat—A Tradition

By far the greatest strain on ingenuity and showmanship presented by radio is the policy and tradition in radio that programs can't be repeated. A vaudeville act can present a 12-minute routine in 400 theaters during six years of steady trouping and not exhaust the money making possibilities of that one routine. On the air the same routine is forever dead after one broadcast. There seems no particular reason why radio couldn't

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give it a second life. The networks say that the cost of repeating a program is prohibitive. The stations say that the cost of repeating a program is prohibitive.

CBS will draw its new talent not only from pictures but from the local air field which the network's execs say has plenty of network potential who have been unable so far to get a chance beyond the local stations.

## They're Saying

Successor to Lou Holtz & Stooges on the Chesterfield program is the Philadelphia Philharmonic orchestra. From Shawowski to Stokowski.

## Pacific Coast To Originate CBS Programs

Los Angeles, Dec. 31.

CBS is planning an extensive invasion of the coast for talent and is set to produce a number of its transcontinental commercials from this end by an organization independent of its outlet, KHJ.

William S. Paley, CBS president and Edward Klauber, vice president and general manager, will be here before February for the purposes, it is understood, of setting up an independent producing organization similar to the present NBC arrangement whereby this chain is producing exclusively of its outlets KFI and KECA.

Bert McMurtrie, commercial program supervisor, has been on the coast as vanguard in the move for contracting of talent now here.

Few programs from the coast go over CBS network, although many are created by the Don Lee outfit going to 14 coast stations.

According to McMurtrie commercial advertisers have recently been losing their opposition to cast produced programs. They now realize, he says, that with the recent heavy assemblage of talent in Hollywood for pictures that to get good artists they will have to forget their previous insistence to be near the previous while in the making.

CBS will draw its new talent not only from pictures but from the local air field which the network's execs say has plenty of network potential who have been unable so far to get a chance beyond the local stations.

## Indie vs. Network Setups

By Don Davis

(President of WHB)

"Kansas City, Dec. 31.

Give me an independent setup any day in regard to advantages of operating a network or a network station.

Flexibility in suiting regional listeners' tastes is the thing. When an independent regional can produce musical and dramatic programs which will equal or better the appeal of 75% of the programs on the chains at the same hour, the independent is in a position to offer the chain outlets some pretty stiff competition. Al McCosker is doing it at WOR, Quin Ryan with WGN, and so is WHB, although handicapped by not having full time license.

Flexibility in setting schedules, the personal appeal of local radio personalities, and a general program structure of uniformly high quality can always win listeners for the independent station. It's tough to go up against some of the networks' big musical shows; and, of course, the indie seldom broadcasts spot news events of national importance—but in other respects the independent can lick its chain competitors time after time.

For example, WHB has one program at 9:30 a.m. daily which is said to have more listeners than any other feature on the air in the Kansas City area. This is our broadcast of actual court proceedings; presenting actual traffic cases being tried in the North Side Municipal court. This feature is broadcast with the cooperation of city officials and the Kansas City Safety Council, in an educational campaign to promote sane driving.

WHB presents the same kind of program at the same time regularly every day. When the chains have dance bands and dramatic skits, we give them hill-billy. When the chains go hill-billy or dramatic, we go dance band. Flexibility in changing our schedule to meet competition, plus quality programs by a talent staff of 80 people enable WHB to establish audience appeal. We get our dance bands by remote control from the Muehlebach hotel grill, from the Kansas City Club, and from a studio orchestra.

An important part of WHB's studio is the Penthouse grill—a tea-room from which our main studio may be viewed through a large glass window. Our people talk to about 700 studio visitors daily. The Jones store broadcasts a WHB show every noon from a radio auditorium in that department store. This program played to a visible audience averaging 1,400 people daily for 28 weeks last year and there has been no lessening this season. Our spot announcement schedule is now sold weeks in advance and always has a waiting list.

**Freedom of Program**

When an independent station is free of network commitments it can always guarantee its schedules to advertisers without irritating shifts to make way for network programs. It can change schedules, talent or copy on short notice, rearranging programs to the advertiser's advantage within a few hours—if necessary. It can supply locally popular talent with tested audience appeal. In making offers of special prices and sale prices over the air, it can inject a timeliness, seasonability and regional appeal which is impossible with more rigid chain setups. It can produce shows of quality at much less cost than network talent—and, of course, it generally has a lineup of transcription features for advertisers who want them.

From the standpoint of program production, our aim at WHB has been to establish a talent training station. Paul Tremain, Easy Aces and Ramona, were WHB albums. Joan Olsen, discovered last month at WHB by Ben Bernie, and featured with him in his stage show, is now on CBS. We also have tested script children's plays which have been favorably auditioned by one of the networks. It will soon blossom nationally. Another show-bull at WHB is to be recorded this month for a transcription schedule.

Our only feature is independent—Coughlin, III adds that it's on Sunday afternoons from 3 to 4 p.m., to plug in this chain program and not have to worry about casting, rehearsals, commercial announcements and all the other grief of building a good radio show. But running a chain station looks too easy.

## Agency Entertainment Rating

By Ben Bodec

As peters of the thing called showmanship the ad agency lads did pretty well by themselves during 1933. Outside of calling on show business for its talent, and occasionally for a writer, the agency vermin managed to keep the producing end of its air enterprises pretty much a closed shop.

From the viewpoint of entertainment, catering, radio, within the past two years, has traveled a long way in bettering both the standard of material and the technique of presentation. With the commercial phase of broadcasting almost entirely responsible for this development, the policy of isolation assumed by the agencies has become quite satisfactory to them and, further narrows the chance of showmen breaking into this phrase of the amusement business.

When clients first began to take recognition of the new advertising medium, and talk about giving it a try, the agencies found themselves faced with accepting one of two alternatives. Either they had to bring in outsiders versed in the business of entertainment, and teach them the advertising angle, or they turned the radio assignment over to those versed in advertising, but who would have to left to grope with the business of entertainment. The majority of the agencies elected to grope.

A goodly percentage of them are still groping, from this trial and error method, at least during the past year, has come more hits than misses, notable case in point here is the *Leaven & Mitchell* direction. This program's start was weak. Through the first cycle of 12 weeks the agency experienced various types of comedy acts in support of the Fred Warline organization, and the show continued to founder around. But by the time this circuit account got well into its second 3-week cycle it had

an audience of unusual strength.

Outstanding among the agencies which garnered distinctive attention for air showmanship during 1933 was Cecil, Warwick & Cecil. That which rated this agency particularly was the smart all around steering it gave Gulf Oil's Sunday night on NBC.

Regardless of the fact that this agency had an uncommonly big talent appropriation to play with the high percentage of clickers it produced, and the astute way it picked them for the supplementary publicity value, combined to make CW&C's performance on the refining account highly creditable. All but one act (Fred Stone), according to checking surveys, registered smash listenership percentages. These surveys conducted over a period of weeks gave Will Rogers an average of 80%, George Cohan, 72% and Arthur Brisbane, 50%.

What the more active agencies in radio did in the way of network programming during 1933 and how their achievements are rated from the showmanship angle follows:

**N. W. Ayer:** While this agency turned out some crack samples of dramatic material, its best level of entertainment and general production was reached with the *Armchair Show* centered around Phil Baker. Among the mystery element the *Eric Cline Clues* (Harold F. Ritchie & Co.) continued to hold top ranking. Agency also did well for Jello-Highland Coal with the adaptation of such classics as "Treasure Island" and "The Three Musketeers," but slid off badly when it came to doing the Courtney Riley Cooper series, "Circus Days," for Scott's-Emulsion.

**Batten, Batten:** Durstine, Osborn & Rate as having one of the best all around producing departments in the business, this agency returned the "March of Time," with Remington-Jordan this time paying the bills, and again established the program as top of its kind on the air. Agency operates on a policy that's famous distinctiveness of pro-

duction over heavy expenditure for name talent. On its list is the champ marathoner of network shows, "Scoobyland Sketches," still a strong fave among the loudspeaker clientele within the program's limited area of release.

**Banton & Bowles:** Maxwell House Coffee's Show Boat remains this agency's ace contribution to the air. Lots of ingenuity shown in the way interest is maintained by shifting the locale of the stanza's background to a different town each week. From the advertising trade the agency was accorded an additional set of bows for the nifty handling of this product's merchandising. As go-between for Best Foods, on the Musical Grocery store whirl (NBC), first with Tom Howard in the name spot and then Fred Allen, B&B is adjudged to have done no better than a nip and tuck job.

**Low Co.:** For Philip Morris cigarettes the agency turned out a so-so musical frame, with the baton switch from Freddie Grofe to Lee Reisman effecting the level neither way. Lack of restraint and ingenuity in weaving in the plug did much during the early weeks of the program's run to make listening to it a trial.

**Blackett, Sample, Humert:** Credited with more accounts in radio than any other agency, this firm has yet to produce a show rating among the first 10 in adult popularity. Nevertheless it is facile both in turning out a smartly balanced musical show and creating a script serial which sells the product. Still ranking best among this agency's song and band retinue is the American Album of Familiar Music (Bayer's Aspirin) on NBC Sunday nights—Of the other B&S musicals the *Blissful* half hour on CBS Sunday afternoons, with Helen Morgan and Albert Bartlett's orchestra, packs heaps of smooth entertainment.

**Campbell-Ewald:** Jack Benny last season bee me the biggest bet for season because the biggest bet for the General Motors group directed

(Continued on page 7)

## AS THOUSANDS HEAR

By Fred Allen

In an effort to have the mysteries of radio, its inner workings and complex activities, exposed for all time, I have been invited to air my views on the industry. I guess my views must be pretty stuffy, for I am constantly bumping into some heckler in the Automat who turns and says, "Why doesn't that guy air his views?" Since I know practically nothing about the subject in hand, I shall write at length.

My ability to write at length is not only a curse but it has caused me untold embarrassment on several occasions. At a recent dinner tendered to a prominent business man, who was going into the claws of the Blue Eagle, I received the Pulitzer Prize awarded for the outstanding *Faux Pas* for 1933. The dinner looked like something the sparrows had rejected, and the man who said grace, after rigor mortis had set in on his anchovy, took a look at the meat course and retracted his blessing. Crossword puzzles were served for dessert and my penchant for writing at length caused me to overdo the thing horizontally.

I had barely finished writing several suffixes on the tablecloth when the hostess asked me to leave. Her request was sponsored by a majority of the other guests. Following this incident, and a scuffle at the front door, the importance of sponsors was brought home to me and while I haven't been asked to quit the radio yet (I return all fan-mail unanswered), I realize that hurried exits in most other careers can be traced to sponsors.

All of this has nothing to do with writing at length, or with radio for that matter, but there is so much grief rampant today that it seems silly to attempt to concoct an article that will make people stop and think. The successful writer today is the one who can make the reader scream and keep the mind a blank. I hope that a man with nothing on his mind will be able to read this treatise, put it away and forget about it, feeling that he has not been trespassed upon—mentally.

People who have heard my broadcasts say, "I think you belong in the theatre!" Others, who have seen me through the courtesy of Leblanc, say, "Why don't you just sit out radio and the theatre? Television may be your forte!" The White Collar Man often stops me to inquire, "Is radio more difficult for the comedian?"

But so far, I haven't heard from the *Man in the Street*, and taking that chance that he will pick up your *Yankee*, when you have imposed it into the gutter, I shall devote my article to him. The subject is *Radio versus Comedian*.

### The Debates

With a Broadway show the comedian rehearses four or five weeks, in comparative peace, and all of his excitement is crammed into the last few days of rehearsals plus the out of town opening. If the show appears to be a success, minor changes are made leisurely and nothing of import happens to the actor's nervous system until the opening night in New York. If the show is a hit, the actor sits back confident that his troubles are over for months to come. He has learned his part and there is nothing to do but recite it eight times weekly for the duration of the run. He has new chinchilla lining put in his spats, pending a severe winter, orders a new ferrule for his cane and makes a mental note to pay his Equity dues. If his personal notices were good he may endanger his budget balance and purchase a scrapbook. Purring like the prize winner at a cat show, the comedian settles back for some intensive paunch expansion.

How different is radio! The comedian lives in fear and trembling from program to program. Other radio entertainers may enjoy normal lives, but the funny man's existence is a barefooted detour on a road strewn with broken bottles. Let me compare his task with the toll of the other theater laborers.

**THE EARLY BIRD**—The man with the health talk and his morning exercises. True, he has to rise with the lark and bellow "Cheerio" into the microphone but this, in itself, is a glaring bit of matutinal deceit. With heavy eyelids the health man dozes over a coast to coast hookup for 15 minutes interspersing his catnaps with such trite rejoinders as—"Place both hands on the hips and yell whoops...Ready...One...Two...Three. Now exhale" etc. There is no height in the fellow's heart but months of practice have skilled him in the art of vocal skullduggery. He is able to convey to his listeners, a milkman who arrived home early and a man named Fent who gets up early every morning to start a line at the Radio City box-office, that he is in the studio, wide awake with the dew on his tonsils and his biceps flapping in the breeze. The Early Bird, his task finished, folds his manuscript, bolts down some ham and eggs with a chaser of bi-carbonate and rushes back to bed.

**THE NEWS REPORTER**—He has a cinch. The world is his straight man and every happening is fodder for his tongue. "America Recognized Russia and Bartenders." "Absent-Minded Gunman Takes His Own Life." "Hundred Percent Nudist Bars Conscience." These, and other headlines, are grist to the news commentator's mill as he calmly stands before the microphone, paper in hand, reciting the events of the day. If every person on earth stood still for 24 hours and nature declared a moratorium for a similar period, the news man would find himself in a pretty kettle of fish. Incidentally, you would be able to pick out the reporter in a kettle of herring by the blank expression on his face and the blank pages in his hand. He would have nothing to say and no news, instead of being good news, would herald the end of his career.

**THE CROONER**—Vocal Boy Makes Good. He leads a charmed existence. Songs are written for him and publishers and pluggers beat a path to his pent house door pleading to have their numbers given preference. The Crooner selects the songs, best suited to his voice, if any, and is ready to boop-boop his way into your living room or cellar. The Crooner's overhead is confined to the purchase of an occasional bottle of metal polish to keep the megaphone mouthpiece shiny and, during the winter months, he may buy small quantities of anti-freeze for his adenoids. Popular crooners are generally insured for large amounts

since they move around the studio in constant danger. At any moment their fan mail is apt to topple over and crush them into a concealed mass. But, all in all, the work is easy, the hours short, and the future a bed of roses if the Crooner is fortunate enough to sleep in a greenhouse in his old age.

**THE DRAMATIC ACTOR**—He claims that radio is relaxing and pleasant work. Why shouldn't it be? The sketches are written by an author, rehearsed by a program director and paid for by the advertiser. The Dramatic Actor recites his lines into the defenceless microphone waits for the musical gong to sound and returns to the Friars Club, if he can remember where the club is registered on that particular night.

**THE GAG-MAN**—Radio is a joke to him...and generally not a very good joke at that. The average comedy author is 90% memory and 10% guts...or vice versa. Stir well with a stubby pencil, add a strong black cigar, a college magazine in each pocket, sprinkle the overcoat's collar with dandruff and you have him. And you can keep him. Most of the gag-writer last as long as their eyes hold out, and so long as they are able to hawk their hoary jests, culled from assorted sources, to the frantic Merry Andrews who are contracted to convulse the nation weekly the gag-man is the buzzard of banter. Every joke he hears can be switched and foisted on his client. His life is a rosary of twists. The gag-man looks at the doughnut and sees a cruller. He looks at the comedian and sees the Hunchback of Notre Dame.

**THE COMEDIAN**—Radio isn't so funny to him or to his listeners. The Comedian wakes up with a whoosh in his throat. After a few inhales, to make sure that he is still alive, he notices the whoosh and if it sounds good he marks it down to be told later. Unlike other radio artists he finds no harbinger of joy-bearing material to his door. If the Comedian wants a joke he has to send for his agent or pore through his collection of dirty joke books. And if for him it doesn't fit, he is too lazy to function in his own behalf so he sends for the gags-man, the professional ghoul, to march the ghosts of buried puns into his presence and that he may start writing his weekly broadcast. And if the comedian is to broadcast on Friday night he starts worrying early Monday morning. He scans the newspapers hoping to find items that will lend themselves to comedy treatment but the press is filled with murders, suicides and lynchings. The Comedian loses his appetite, and thereby saves breakfast money, but forcing down a cup of coffee he rushes out into the street hoping to meet someone who can suggest a joke for his program. In front of the Bond building he is regaled with hard luck stories and seeking to escape he passes a theatre marquee that reads—Good-bye again—Five Acts of Vaudeville. From group to gathering the radio Comedian sprints through the day without avail and without a joke. Nightfall renewes his hopes. Soon the Broadway columnists will be straggling uptown and surely they will have some gags on hand. By midnight he has met three columnists who have beaten him to the point, they have nothing but three dots and an asterisk to start their columns and need jokes worse than he does. Weary and disheartened the Comedian turns his steps homeward. The first rehearsal is on Tuesday and so far he hasn't a gag. He toises in bed to see whether he will sleep or have the laugh on his nightshirt. Morphous loses and the Comedian rises at the crack of dawn hoping that dawn will make a crack that will suggest a comedy bit and wondering what excuses he can make to his sponsor for coming to rehearsal without a pun. Imagine his surprise upon arriving at the breakfast table, to find some thorns and cream, a steaming hot cup of coffee, and a neatly typed manuscript. Picking up the script, which starts off with a belly-laugh, he looks up at his wife and says, "Who done this, Honey?" turning so that she won't see the tears of gratitude skid down his mallow cheeks and plop into the Sanks. Hastily stuffing the current Ballyhoo into the percolator and tucking a Whis Bang under the sizzling bacon, the wife looks up and replies, "Your fairy godmother done it, Babe."

You're a so and ditto," chuckles the radio Comedian. "My family was atheist. We didn't have no god-mothers. We didn't have no God after we lost our Buddha." Knowing his wife is a Quaker he watched her stifle a cat before adding, "You wrote this wows yourself, Honey. Tell me the truth." Reluctantly, the wife confesses that she is an author and the Comedian rushes off to rehearsal. He reads his wife's script and the orchestra leader, who is breaking in a new set of flannels, dies laughing. The sponsor, hearing the leader and the orchestra laughing, takes up the comedian's opinion and the funny man rushes home to embrace his wife and they live happily for 12 more weeks.

**ADDENDA**—Whatever that is. From this you can readily appreciate the plight of the comedian in radio. Each week he needs new material and he is only as funny as his last broadcast. No wonder then that he wears permanent flesh monocles under his eyes, that his shoulders droop, that his tread is slow and measured, that his friends, even as his laughs, are few and far between...for he is the hardest job in radio.

The radio comedian's success lies in his ability to make the orchestra on his program laugh uproariously during the broadcast. Through hearing the background of guffawing in the studio the sponsor, listener, and average critic are all convinced that the comedian is a riot despite the fact that they personally can see nothing funny about the entire business.

The method used by the Comedian to convulse his orchestra is simple. He merely asks the age of the oldest man in the band. It is generally the bass player and as a rule he is 60. The comedian then makes it his business never to tell a joke that isn't over 60 years old. Naturally, the musicians have never heard the material before and the orchestra collapses suddenly at every word. The Comedian's success is as small as can be seen.

P. S.—I hope this makes everything clear.

## Commercial Clowning

By Ben Bernie

When first the gentleman asked me if I would do an article, I was suspicious. Having been ribbed in my life—I might even say well ribbed—I was going to take no chances. I still remember the famous Pittsburgh Phil ribbing and the time they gave me the Fireman's Bride.

And how about that time when I actually did knock four times and my wife opened the door? Yowsh! Besides, the aforementioned gentleman did not look like a *Yankee* mug. His hair was cut, he was clean shaven, and his trousers were pressed.

"How do I know you're from *Yankee*?" says L. He immediately took out a pair of hones and rolled three natural. Thoroughly convinced, I gave.

Just to show him I was an old newspaper man I asked, "When is the deadline?" (Privately, I have always thought a deadline was a line waiting for autographs.) Well, anyhow, here I am—H. Mencken Bernie, batting one out for the seventh anniversary of NBC—long may she anniversary.

Gosh! I feel like a grizzly bearded old pioneer when I think that I used to do chain broadcasts over *WEAF* away back in 1923. In those days we called it a 'hookup,' and the other station of the hookup, if my memory serves (and even if it doesn't) was the Gimbel Brothers' station in Philadelphia.

And while I'm on the reminiscence, how about that time in 1924 when we tried to establish radio communications with Australia? In order to fit their time we did those broadcasts from 5 until 6 a. m. I shall never forget the veiled mystery of those morning broadcasts, and the sepulchral voice of the announcer who at 10 minute intervals would give the call letters, slowly, distinctly, painstakingly—*WEAF*, establishing radio communications with Australia—and again—*WEAF*, broadcasting for Australia. This kept us up for an hour, and just as we were ready to leave we got a telegram. Breathlessly we gathered around and opened it. It was from an American fruit dealer in Newark, N. J., saying, "Program coming in fine." I have never spoken to Australia since.

Maybe it was just as well that they didn't hear us. I was the fiddle section in those days, and Goering, my piano player, had a lousy left hand. For that matter he still has a lousy left hand, but what can you expect from an old two dollar handicapper who still thinks Mozart was a jockey?

But all this is irrelevant. Perhaps I'd better get down to the present. Anniversaries and pre-

### Coleman, Society Fav, Cuts Show Tunes Only

Columbia Phonograph has added Benny Pollack and Emil Coleman to its band list. Connection in Each instance's mainstay in each comes to imprints of the hot-ch genre, has received a similar contract.

Because of the maestro's society following, Columbia is restricting Coleman to show tunes. Coleman's previous disk contact was Brunswick.

Another newcomer to the Columbia release sheet are Buck and Bubbles. Two sides already turned out by the team include tap dancing.

### Reber's Fast Move

John Reber, of the J. Walter Thompson agency, is on a hurried trip to the Coast. He left New York Saturday (30).

Boys aren't satisfied with the Vaseline program, since Rudy moved west for a picture, and Reber's intent in a little repair work.

### \$28,000 Nite Club Blaze

Newark, O., Dec. 31.

Explosion of an oil stove left the Villa nite club here in ruins with \$28,000 loss and injury to L. C. Fosther, manager, who is in a hospital with bad burns. Building was burned to the ground, with loss of \$25,000, and \$2,000 to equipment. Band playing there escaped with all their instruments and equipment.

sants go together, anyhow. (Heah, heah, Bernie, refrain from punning, you rascal.)

For years the slogan has been "Long Live Show Business!" It is still the slogan, only along with show business is included radio. Radio now looms as one of the most important factors of show business, and, modestly, the old maestro predicted this many years ago. I remember just eight years ago in New York how I bounded the advertising agencies and the commercial offices of the radio stations trying to convince them that lightly handled advertising chatter (levity to youse *Harvard guys*) could well produce on the air. Most of them wouldn't even see me. Talk about not being able to get to first base. I couldn't even get into the ball park.

That is why a beatiful glow of love suffuses my cheeks as I purr about Pabst Blue Ribbon. They were the first to give me my chance—and with no instructions, no limitations, no admonitions, and no carpets to be called up on. (Note to editor: If you cut this paragraph I shall cancel my subscription.)

Continuing in this bragging mood, I might say that I have never abused the privilege given me to ad lib. I have never been on the carpet of either network—yet.

Light handling of the advertising continuity (commercial clowning) seems to be the vogue-y today. And my ink reddens as I blushingly admit that I was the first to start it. grizzly beard speaking again. Editors all over the country have called me the pioneer, and who am I to dispute them?

Personally I deplore the tendency of some of the current radio comics to overdo this commercial clowning. There is a great difference between "kidding" the product and "neering" at the product. There is a place where wisecracks leave off and ridicule begins. As far as that goes, I hesitate to use the word "kidding," since there are so many forms of this gentle sport. To be "sport" it must be "gentle."

The sooner that the radio comics learn that the sponsor is not the goat but the guy who pays the bills, the better off the comics are going to be. It's the old story of the goose and the golden egg.

Broadway, which is considered the wise street, set out at the start to entertain the advertising agencies and their clients. If you ask the old maestro, I would say that the advertising agencies are smartening up, Broadway. And Broadway can use some smartening up.

**Smartening Broadway**

The radio advertisers have taught Broadway many things since radio has come into its own. To wit and vis: they have taught it good taste, restraint, discretion, a sense of limitation, and humility. The radio may demand a different technique from the stage. It may demand a different approach, a different pace, a different kind of material—but in thing remain the same. And in my opinion that one thing is the greatest thing in show business—humility.

Yes—humility. Taking the falls. You've got to do it on the air the same as on the stage. Be humble. Have gratitude. And there's no better place to begin than with your sponsor. Kid his product—sure—but kid it as you would kid a friend or a pal or a sweetheart. Lap yo' product on her back—not in the face. When you poke a little fun at it, be sure it is fun. Smile when you say them words, sub!

Broadway has called the advertisers "corny." If those advertisers are corny, so is President Roosevelt. Yowsh! So give me the good old "corn."

Before I go into the finale I should like to make one yelp. That yelp is—keep he innuendos and the double entendres out of radio. I've heard many a borderline gag in the past season on the radio, and if there is anything that gets in my falling hair it is a suggestive gag situation on the radio. It will invite stricter censorship of radio continuity and will ultimately lead to a definite curtailment of ad libbing. Take it, or leave it, from Deacon Bernie—but remember it.

And now it's time to get out the music sheets for "Au Revoir, Pleasant Dreams." I hope I haven't been too caustic, but then expense is no item. If there is anything in this article that offends you, my solicitors are Wickerhank, Nottingham, Pinicus and Snowpyle.

# NBC ARTISTS SERVICE

*Salutes* THE ADVERTISERS • ADVERTISING  
AGENCIES • RADIO BROADCASTING  
STATIONS • VAUDEVILLE AND  
MOTION PICTURE THEATRES  
MOTION PICTURE PRODUCERS  
RECORDING COMPANIES • HOTELS,  
RESTAURANTS AND NIGHT CLUBS  
OPERA COMPANIES • CONCERT  
MANAGERS • CLUBS AND OTHER  
ORGANIZATIONS • WHOM IT HAS  
BEEN PRIVILEGED TO SERVE DURING  
1933, AND TO WHOM IT OFFERS ITS  
HEARTIEST COOPERATION IN 1934.

*NBC Artists Service* • GEORGE ENGLES • MANAGING DIRECTOR

NEW YORK • BOSTON • CLEVELAND • CHICAGO SAN FRANCISCO • LOS ANGELES PORTLAND, OREGON

## 2 YEARS OF RESEARCH TO DECORATE STUDIOS

By GERARD CHATFIELD  
(Technical Art Director of the National Research)

Victor Hugo once said, "The beautiful is as useful as the useful." In this generation of educated eyes we have discovered that it is good business to make the useful as beautiful as possible. Glance through the advertising section of current newspapers and periodicals, observe new motor car models and furniture designs, or stroll through the nearest five-and-ten-cent store. It all reminds that aesthetic values now command commercial value. Today they do not think of designing a new building or furnishing a commercial establishment without seeking to make it as visually attractive and comfortable as consistent with its purpose and practical requirements.

There is something genuinely spooky about a broadcasting studio to those unaccustomed to facing a microphone. Even the veteran radio artist, as well as the novice, intuitively craves some stimulant to compensate for the absence of applause and the stimulating reaction of a real audience.

Draw bare walls and the terrifying sight of mechanical equipment have spoiled many a broadcast. Experience had taught us that it is vital to conceal as much mechanical apparatus as possible and to camouflage acoustical requirements with decorative schemes that would help those who perform.

This would be a simple task, indeed, if acoustical requirements did not take precedence. Any interior decorator of taste could have handled the job magnificently. Our problem was not so simple. Only a comparatively few persons see the inside of a broadcasting studio; millions hear what comes from it. Of necessity decorative art must compromise with science and psychology.

### Figuring the Future

When called upon to take charge of decorating our new headquarters in Radio City I felt somewhat acquainted with the problems that confronted us. However, the progress of radio science and the development of broadcasting technique had created new problems. We even discovered it necessary to think about things we had not yet thought of. We were building for the future as well as for the present and it was imperative that we discount future problems that did not even exist.

Broadcasting studios require special acoustical treatment to prevent echoes, to absorb sound refractions. Yet there are certain types of programs that require just this or that degree of studio resonance. Different instruments, different groups of instruments, different voices, each and all demand their own individual acoustical consideration. Our new studios are virtually rooms within rooms, boxes within boxes. These are suspended on springs, each with its specially treated floor and with walls and ceiling of a material perfect for our use. This material is perforated in a manner that resembles a porous plaster. This material could not be "papered" without destroying its very purpose. Paint would not relieve its unsightly appearance. Of necessity our painting and papering had to be done with textile fabrics. Not ordinary wall fabrics, but special fabrics sensitive to our acoustical requirements. Special glues also were required for affixing these fabrics to walls and ceilings, for the same acoustical reasons.

For psychological reasons we deemed it necessary that all corridor and reception room ceilings, all dressing room and artist green-room walls be acoustically treated like studio interiors. Artists stepping into the average studio are confused by the strange sound of their voices and instruments in such acoustical surroundings. But with reception rooms, corridors, etc., similarly treated, the artist is adjusted to this environment long before he reaches the scene of his performance.

To enumerate all the problems involved in decorating this new establishment would require volumes. This work is the result of two years of consulting with architects and engineers, endless experimentation and countless laboratory tests—all for the purpose of making the whole as attractive and pleasing as possible, all qualified by scientific requirements—and artist psychology.

## We'll Tell the World

By C. W. Horn

(General Engineer of the National Broadcasting Co.)

It is as Einstein assures us, time and space are relative, and very greedy relatives they are, nothing delights us more than cheating either or both. We consume a great deal of energy trying to chalk up new speed records, robbing space by stealing from time.

Possibly one of the first things Queen Isabella said to Columbus upon his return to Spain was, "Chris, you simply must do better than two months and nine days the next time." But it took 400 years before they perfected the clipper ship.

And that wasn't fast enough. Fulton's "Folly" suggested an idea, and so to the S. S. Rex, present trans-Atlantic champion.

Meanwhile, news was becoming a commodity quite as valuable as those rich trans-Atlantic cargoes. Morse had invented his telegraph, and not long after, sailors men restlessly began trying to bridge the Atlantic with dots and dashes. Then, in 1858, Queen Victoria sent her historic greeting to President James Buchanan: "Europe and America have been united by telegraph. Glory to God in the highest, and on earth, peace, good will to men."

Along came Marconi with visions of taking the wire out of telegraphy. He rigged up one of his sending sets in England and then came to this side and built a receiving station. Patiently he waited with earphones clapped to his head. At last he heard what sounded like three dots but wouldn't trust his own ears. His colleagues listened. Yes, trans-Atlantic wireless was a reality. December 12, 1901.

Wireless telephony played an important part in the war not only for communicating commands to the front-line trenches, but in combatting submarine craft. Sub-chasers usually worked in threes, using mathematical triangulation of soundings for locating their quarry. Telegraphic code was hard to learn, and besides it was cumbersome. It took too long and errors crept in too easily. This necessity gave an impulse to experiments with wireless telephony, and radio came into being. We would have had radio without the war, but probably not as soon.

### International Program

Radio broadcasting had not become a practical and useful instrument very long before station WJZ picked up dance music being played by the Hotel Savoy orchestra in London and rebroadcast it for domestic consumption. Perhaps you remember that first "Westward, Ho" of radio, March 14, 1925. Shortly before that a London station had succeeded in picking up and rebroadcasting a program from KDKA, Pittsburgh.

It took Magellan's fleet three years and a month, lacking one day, to bring back the news that the earth was round. Jules Verne calculated the trip could be made in 80 days. In 1929 Dr. Eckener in his Graf Zeppelin did it in 21 days; in 1933 Wiley Post did it in a third of that time. A radio signal can circumnavigate the globe in a fraction of a second.

Radio signals travel with the speed of light. Roughly that is 186,000 miles per second, fast enough to circle the world at the equator seven times a minute. This makes it possible for you to hear a man speaking or singing on the other side of the earth sooner than a person sitting 25 feet away from the performer providing you are sitting beside your loud-speaker.

Today we can, and are, eavesdropping across the seven seas. The facilities which make this possible are similar to, yet different from, those which enable you to hear programs broadcast from our New York studios. For instance, it was discovered that the lower frequencies (the longer waves) were the best channels for carrying domestic programs, but that these were not adequate for long-distance sending and receiving; whereas the higher frequencies (the shorter waves) are ideally suited for this purpose. Your receiving set is like an ear that can hear only the bass and tenor voices, while a short-wave receiver is like an ear that can hear only the high soprano and piccolo tones.

By means of special short-wave receiving sets we pick up trans-Atlantic, trans-Pacific and South American broadcasts, transpose them into the appropriate lower keys that your receiving set can hear, and rebroadcast these in the same way as we do our regular studio programs, thus making it possible for you to hear a man speaking or singing in Australia.

### Expensive Short Wave

Short-wave reception, like short-wave sending, is quite a complicated process requiring special and costly apparatus to accomplish satisfaction. It involves many problems not common to long-wave reception. It is because of these peculiar problems that amateurs who experiment with short-wave reception are so frequently disappointed and discouraged.

There are many dead areas in the realm of short waves, spots where certain wave channels are impos-

sible to intercept. This is due to their nature of zig-zagging upward and downward in their flight, from the earth to the highlands "roof of the world." Fading is another great problem. We have found that fading does not occur simultaneously at all points, even within limited areas, that when a radio signal fades in one spot it may become stronger in others. Hence to overcome this common nuisance of short-wave transmission we employ several antennae set up at various points of the compass. We have perfected a very delicate apparatus for picking up the signals from these several antennae, blending and synchronizing them in such a way as to attain and maintain an even balance of volume so that the energy can be rebroadcast to you on a smooth and pleasing level.

These high frequencies (or short waves) are susceptible to many mysterious interfering influences: sun-spots, magnetic storms, lunar phases, the angle of the solar rays, times of sunrise and sunset, and other known and unknown cosmic forces. By keeping daily records of these influences, and preparing charts to show the optimum times of the day and of the year when different wave channels give the best service, we are learning to overcome many of these obstacles.

The British Broadcasting Corporation, the German Broadcasting Company, and the N. V. Philips Company of Holland have co-operated with us in accumulating this data. We have also had the aid of the General Electric Company and the Westinghouse Companies in this work. The National Broadcasting Company has been the clearing house for this information. We are continuously accumulating data, compiling, correlating, tabulating and cataloging this information, and repairing charts that show the curves of variability. Depending upon the time of the day and year, the conditions of the weather and various celestial influences, this or that wave channel is used.

### Five Short Wave Stations

We command the use of five NBC and associate short wave receiving and transmitting centers: Bound Brook, N. J., with one transmitter; Chicago, with one; Pittsburgh, with four; Schenectady, N. Y., with three, and Springfield, Mass., with one. In addition to these, the circuits of the Radio Corporation of America, Inc., and the trans-Atlantic telephone toll circuits of the American Telephone and Telegraph Company are used in contacting foreign countries.

A program having been scheduled for a certain day and time, the engineers determine which frequency is most suitable for the station which is to receive the broadcast, and the sending station is notified. As the transmitters are in almost constant operation, the receiving station is enabled to keep a running test on the signals and know pretty much what to expect. Sometimes two or more transmitters are used for a single program in order to assure success.

The program being picked up (which may or may not be rebroadcast on regular domestic broadcasting stations) is fed to the proper short wave sending station and transmitted. From this point on, the matter devolves upon the receiving station to pick up the signals and by means of wire lines these are fed to our central control board. The program is then fed into the network and distributed in the usual manner to the broadcasting stations for rebroadcasting to you.

When using the RCA communications circuits, the program is picked up by their receiving stations and brought by wire to our central control board for distribution in like manner. The RCA station at Rocky Point, Long Island, N. Y., is in regular communication with European and South American countries. Its station at Holinas, just north of San Francisco, maintains direct contact with Hawaii, the Philippines, Japan, Australia and other Far Eastern centers.

While there were frequent transmissions of international programs during the experimental days of short waves, these were usually of a test nature. NBC was the first to inaugurate a regular schedule of international service.

One by one we have been ironing out the wrinkles in the short waves, improving equipment, eliminating or minimizing those factors which have obstructed our way. Already we have rebroadcast programs from Argentina, Austria, Australia, Belgium, Brazil, Chile, Cuba, England, France, Germany, Hawaii, Holland, Hungary, Italy, Japan, the Phillipines, Poland, Spain, Sweden, Switzerland, Uruguay, Venezuela, Yugoslavia, New Zealand, Norway, the Vatican State, from ships on and under the sea, and from ships in the

NBC and its associated stations are well equipped with both transmitting and receiving stations which are in active operation, it is a rather simple matter to add new countries to the list. Gradually additional circuits are being established, and within another few years practically every point on the globe will be brought within the range of your receiving set.

Comparatively inaccessible to other forms of amusements, it is now an old story about Seth Parker, the radio hokum king of thousands of devout and plow souls many of whom never have entered a theatre in their lives.

Steady advancement of radio showmanship doesn't mean there isn't plenty of room for further improvement. But obviously quality in any highbrow or literary sense is not and will not be a goal. Big budgets are to reach big audiences not minorities.

There have been indications that radio itself has lifted the general level of discrimination a bit. This is good and rather startling. So-called sophisticates who rather resent

## 10 TONS OF MUSIC IN THE NBC LIBRARY

By THOMAS H. BELVISO  
(Director of Music Library, Research and Music Rights Dept. for NBC)

Those Europeans who in the past have so freely criticized us for "commercializing art" and who are now beginning to marvel at the results—merely forgot one of their history lessons. A visit to the National Broadcasting Company's music library would refresh their memory.

Art is an orchidaceous parasite. Seldom has it thrived in the soil. It has attained its fullest flowering only when able to attach itself to a prosperous people and nourish itself on the flow of golden sap.

Libraries are usually considered to be milestones that mark the progress of a culture, but rather are they products of that culture. And radio has been directly responsible for amassing one of the greatest libraries of music ever assembled. I refer to the music library of the National Broadcasting Company which, without question, is the most extensive working library of music in the world. And this great library came into existence not through some altruistic whim or philanthropic ambition but to serve a business necessity.

### 35,000 Musical Programs

Figures are convincing. Last year more than 35,000 programs were broadcast from the New York studios of NBC. At least 27,000 of these were musical or of a musical nature. Such programs average eight different numbers which makes 250,000 selections broadcast during one year. This does not include the auditions conducted daily. Quite conservatively this would raise that figure another 100,000. This is a lot of music. Ten tons of music.

While it is true that many artists bring and use their own music for audition and performance, experience has taught us to be prepared for emergencies. There can be no holes in programs, no excuses. The music library must be prepared to cooperate and assist on all commercial and sustaining programs alike. It is a part of call at all hours.

"Do you have such-and-such a song in such-and-such a key?" "Rush the score and parts of Rimsky-Korsakoff's 'Flight of the Bumble Bee' to Studio X at once." "My piano program is one minute short. Can you lend me Chopin's 'Minute Waltz'?" "Let me have a male quartet arrangement of 'Old Black Joe's' or an arrangement for treble trio."

These are a sample of the demands that rain upon the music library daily. This library is carefully catalogued and accurately cross-indexed as to title, composer, content, character, etc. We also have our own hindrance for repairing worn music and properly preserving new. We have our own arranging and copying department and another important function of the library staff is to check over each program, not only to avoid conflicting repetitions of a number but also to determine whether it is free of copyright or performing fees, and if it is not to obtain such permission or arrange otherwise.

Altogether 50 persons are employed in the music library. Among these is one man whose sole duty it is to purchase new music. He spends seven hours a day digging up the unusual things which we are called upon to supply, or shopping around to keep us up with the latest publications.

Assuredly we may have "commercialized art" in this country but in so doing we have laid the foundations of an "American Renaissance." This library is just one of the many evidences that can be offered in proof.

### HAROLD FAIR BACK HOME

Omaha, Dec.

Commercial staff at KOIL has added Harold Fair, formerly with the station four or five years ago.

In interior Fair has worked at WEBM, Buffalo, Fair is a native of Custer, S. D. Bluffs and will do most of his work there.

lugs

Dec. 31.

A. C. "Ark" Plug goes on NBC next week set through the Campbell-Ewald agency. "On the red web for 30 minutes, each Saturday at 8 p.m."

Programs on Friday at 8 p.m. "Ark" and his Ku-ku.

## Building An Air-Castle

By O. B. Hanson

(Manager of NBC Technical Operations and Engineering)

It would be quite in keeping with what follows to begin this with "Once upon a time," for the National Broadcasting Company's new home in Radio City is quite as fabulous as any palace ever described by Grimm or Lang.

Ten stories, 400,000 square feet of floor space, built especially for radio broadcasting, filled with the most complicated devices, the newest and most improved of their kind—a "world center," what takes place within these walls is heard 'round the world.

Hooverel Center is a cultural and entertainment center of unsurpassed size, beauty and grandeur, occupying three New York City blocks, from 48th to 51st streets, and extending from Fifth to Sixth avenues. Rising majestically to a height of 70 stories, 346 feet, in the midst of this community stands the Central Tower of Radio City, the RCA building. In this is housed the studios, offices and equipment of the National Broadcasting Company.

What seemed spacious accommodations when we started business seven years ago had become uncomfortably cramped. At 115 Fifth Avenue we had 10 studios—but for every hour of broadcasting there is now an average of seven hours of rehearsal and there must be time to clear studios of one program and prepare them for the next. There are at least two programs being broadcast simultaneously in our studios from 6 a.m. to 1 a.m., 365 days in the year. Frequently we broadcast programs of purely metropolitan concern, of no interest to the stations on our two networks. This means that occasionally we are called upon to broadcast as many as four programs simultaneously. Studios also are demanded for auditions. Yes, 10 studios had become far too few. Gladly we welcomed the opportunity to expand, especially since this included the opportunity to build just what we required, instead of fitting ourselves into a structure already built.

### Anticipating Plans

The planning of our new headquarters proceeded along four lines: First, designing and constructing that which would adequately and comfortably satisfy our particular needs, present and future, to the extent that we may be able to anticipate these latter; second, designing and installing the special mechanism and equipment required for our extensive activities; third, properly treating studios and other parts of the building in accordance with acoustical requirements for broadcasting, and the lighting and decorating of these interiors in ways that would not conflict therewith; fourth, to provide a heating and ventilating system that would serve the peculiar conditions created by acoustical necessity. These four departments of planning dovetailed in such a way that concurrent co-operation was a necessity.

It is quite obvious that the wide spans required for studio construction, 35 studios, discouraged any attempt to superimpose a 70-story tower above them. Accordingly one section of the Central Tower building was roofed at the 11th story, and in this section are housed our actual broadcasting activities—studios, equipment, both broadcasting and air-conditioning, accommodations for performers, guests and broadcasting staff. Four entire floors of the Central Tower are used to house our executive, departmental and clerical offices.

Experience had taught us that we needed studios of various sizes for various types of programs, studios both large and small. Certain of these studios would be used for many different kinds of programs. Such must be provided with adjustable acoustics—different voices, different instruments, and different groups of each and both require their own individual acoustical background.

Let me explain what is meant by "acoustical problems." Ours were of two kinds: We must prevent sounds leaking out of studios and interfering with other broadcasts and general business activities, and we must control the sound kept within the studio. The first is a problem of sound insulation, the second one of sound manipulation.

As sound hits a wall a portion of it is reflected back as echo, some of it is absorbed by the partition, and the remainder is transmitted through to the other side. Sound will leak out through keyholes,

through door cracks, along steel construction girders. It will escape in various ways and cause all sorts of annoyance. In order to overcome this we built our studios like thermos bottles, bottles within bottles, and doubly corked and two sound insulating doors separated by an ante-chamber.

Our studios are actually rooms within rooms, suspended above the building floors on steel springs padded with felt—concrete floors, covered with linoleum, floating in space. The walls and ceilings of these floating rooms are constructed of special fireproof sound insulating material—several inches of rock wool, with the interior walls and ceilings of an asbestos-like board material that is perforated in a way that resembles a porous plaster.

### Observation Galleries

All studios have adjoining control rooms, and most of them also have clients' booths and observation galleries from which guests may see and hear (through loudspeakers) what is taking place within the studio. All windows looking into studios from such anterooms are made of three different thicknesses of a special quality of plate glass. Most of these panes are too large to be conveniently removed for cleaning, hence the two intervening air chambers are hermetically sealed. As atmospheric changes occur within the studios the barometric pressure on these glass surfaces changes—several tons on some of these large windows. To safeguard against inevitable breakage under such conditions, a system of pressure equalizing air tubes was designed and installed. These tubes are equipped with fine air filters which prevent admission of dust or dirt particles. Thus the air pressure inside of these hermetically sealed glass chambers is automatically compensated. Since in making our studios soundtight we were obliged to make them airtight, some special system of heating and ventilating had to be devised in order to make continuous broadcasting humanly possible. Our mammoth air conditioning plant pumps 20,000,000 cubic feet of air into our establishment hourly.

Programs vary in type considerably: Different instrumental ensembles, different size groups, different voices, speaking voices, singing voices, sound effects of different qualities and of different intensities, etc., each of which requires its own degree of resonance support, its own individual acoustical setting. To meet these requirements studios have been provided in great number, varying in dimensions from the largest Auditorium Studio, 78 feet by 132 feet and three stories high, down to the little studios designed solely for an individual speaker. Each has its acoustic treatment so applied to walls and ceilings as to provide the best acoustical background for the broadcast program. Certain of these studios designed to accommodate general and therefore widely varied types of broadcasting are so equipped that the reverberations or resonance can be altered at the will of the engineer in charge simply by pressing a button in the adjacent control room. This, in part, is accomplished by acoustic panels mounted on overhead tracks around studio walls, controlled by small electric motors. When these panels are slid into wall pockets they expose a hard plaster surface which reflects sounds, increasing the resonance of the room. These exposed plaster surfaces are not flat but "corrugated" in wide, shallow, wavy surfaces that reflect rather than reflect sound waves, dispersing sound in such a way as to prevent disagreeable echoes.

In the construction and decorating of our studios we have used 500,000 pounds (11 carloads) of rockwool; 153,000 square feet of plate glass; 175,000 linear feet (44 carloads) of fine woods for panelings, etc., 15 different kinds; 44,100 square yards of textile fabrics for wall and ceiling coverings. More than 6,000 textile samples were examined for this use. Each was subjected to rigid acoustical tests, with the result that 90% of the fabrics finally chosen were woven to specification both as to material and weave, color and design.

A separate volume could be written about the special mechanical

equipment designed and installed for picking programs out of studios and sending them out through space for your interest and entertainment. This, of course, is the very latest and most improved broadcasting equipment yet devised by radio science.

Starting studios, where programs originate, we will use the most improved condenser microphones and the new high fidelity "ribbon microphones. In our 35 studios we will have 250 microphone outfita. The sound waves, now converted into electrical energy, pass through a mass of wire insulation and electrical apparatus too complicated to describe herein, unless along in the various ways necessary, and then shot out into the atmosphere of wires that represent our two networks, carrying this electrical energy to your local broadcasting station where it is sent out to be picked up by the aerial of your own receiving set and recovered into sound as it pours through your loud speaker.

For this magical conglomeration of apparatus we used 1,250 miles of wire, just within our new building; 88 miles of cable, some of it containing 40-wire strands, some 20, and some 16. These were cut in lengths varying from a few inches to stretches of 400 feet. It is estimated that these miles and miles of wire were cut into 10,000,000 pieces, necessitating 30,000,000 wire connections. We employed 600 especially trained electricians working two shifts a day to complete this installation.

With this new equipment we can present multiple point programs switching you back and forth to 10 different broadcasting points and keeping each point constantly informed as to what is taking place at the other nine points.

Each executive office, and the offices of those whose business it is to keep in touch with our broadcasting activities, is equipped with a loud speaker operated through a dial control similar to a dial telephone, making it possible for each of these loud speakers to contact 42 different programs, rehearsals, broadcasts, or any special long-or-short-wave program that may be piped into our system by the central control board. Our offices have been wired in such a way that one may cut into the floor within two feet of any given point and locate conduits that contain monitor wires, telephone or light wires.

The central control of this system is located on the fifth floor, midway between our several floors of broadcasting studios. An observation gallery permits visitors to view the central control board which governs and registers the activities of radio's might world.

There is also an observation gallery from which visitors may view the central control board of our air conditioning plant on the 10th floor. This plant is built of 64 units self-controlling its thermodynamic purpose. Dial indicate and register the variations of temperature and humidity in each studio and different sections of our building, and these are automatically rectified and controlled by a thermostatic device.

### Television?

Television? Yes, we have tried to anticipate its advent. We have laid a special and separate system of cables from studios to our central control plant, not knowing when or in what guise television will make its appearance. This, however, we do know: television will require light, a super-abundance of light, and we have provided for this in specially devised lighting systems. All lights are imbedded in the ceilings of studios and along the walls of corridors. These are covered and controlled by a scientifically designed lens which diffuses this flood of light in such a way as to eliminate shadow. If and when necessary we can further supplement this normal lighting system with a system of flood and spotlights.

One set of studios, too, was designed with television in mind. Four studios are built around one control room, the control apparatus of which is built on a circular track, making it possible to pick up sight or sound from one studio and switch immediately to the next, allowing for changes of scenery, set-up, etc.

In the meantime this set of studios will conveniently serve those radio programs which present a variety of features. These are certain to be one of the central points of interest to visitors.

Radio is bringing you a "This is

## Broadcast Merchandising

By E. P. H. James

(Sales Promotion Manager of N. B. C.)

The merchandising of radio programs is concentrated into two broad divisions—audience promotion and follow-up, and promotion to the distributing organization. Roughly speaking, the first division might be called "external merchandising" and the second division "internal merchandising."

Audience promotion is the more obvious of the two phases, since merchandising to the trade is largely carried out behind the scenes. But this fact does not make trade merchandising less essential. Most advertisers now realize this. It has been demonstrated beyond doubt that all media broadcast advertising exerts the most profound effect on dealers and salesmen. It is comparatively easy to enthuse them, and get them behind a product, when it is advertised on the radio—provided they can be made to feel that they have the inside story, know exactly what the radio plan is and what it proposes to do.

There is no particular mystery or difficulty in presenting a radio story to salesmen, jobbers and dealers. They are unusually receptive to broadcast advertising. There are certain essentials which have to be covered, of course, including reasonably informative details about the program, and its appeal to potential customers; selling facts regarding the station or network which is to carry the program, including an estimate of the density and scope of the audience which it is expected to reach, and clear information on the time and day of the program. All of the above may be enlarged upon and embellished with pictures, maps and so forth.

We must not throw away the advantage that radio gives us, and we also need ideas and originality. It is obvious that if dealers are continually bombarded with radio portfolios and broadsides which are of a sameness, they will eventually lose interest. Fortunately, radio usually permits the telling of a human-interest story in line with the bare business facts. Cut-and-dried pamphlets, portfolios, booklets or broadsides can hardly be expected to do this job properly. The personality, or human-interest, angle must be stressed, followed by a clearcut story showing how the entertainment features are planned to draw and hold the audience while the sales story is driven home.

Merchandising to listeners embraces, first, audience building through spotlight advertising in newspaper radio pages or tie-in paragraphs inserted in regular magazines and newspaper advertising. Secondly, audience follow-up, which of recent years has revolved pretty closely around free offers and contests. This has been in line with the increase in premium advertising generally, but has been particularly identified with radio because of the enormous responses secured from listeners.

In the last year or two there has been a decided swing towards hard-hitting merchandising over the air. During the first seven months of 1933, 64% of the advertisers on the air over NBC made some kind of direct bid for listener response. Offerings included booklets, samples of products, tie-in premiums, comic books, toy vehicles, utensils, and gadgets of every description.

Specifically, 55 NBC clients made 178 offers, from last Jan. 1 to Aug. 1. Here are the percentages:

### Percent.

Novelties	-----
Samples	-----
Booklets	23
Contests	27
Analysis of the novelties	-----
Jig-Saw puzzles	8
Masks	11%
Club membership	2%
Photographs	2
Maps	2
Mugs (mugs, purses, pouches, badges, cut-outs, etc.)	-----

Radio has made the most of many recent opportunities to prove its effectiveness to advertisers in the form of large-volume requests from listeners for novelties offered. Since most requests are accompanied by back-hope lists, odds of other purchase, this particular form of merchandising has encouraged many an advertiser to continue his radio expenditure on the basis of traceable results.

### Jig-Saw Puzzles

Years ago the crossword puzzle made radio merchandising history by producing hundreds of thousands of replies for broadcast advertisers.

History repeats itself with a vengeance in the case of the jig-saw puzzle.

The entrance of the jig-saw puzzle upon the premium scene came in 1932 in a big way. In the first three months of 1933, 10 jigsaw puzzles were offered on 10 different NBC programs representing 12% of the total offers. Requests for these puzzles during the height of the craze ran into millions. One client alone received over 500,000 requests. Another distributed more than 4,000,000 via the air and the dealer.

### Samples

Reviewing the sample offers of NBC clients for the first seven months of 1933, we find that 15 NBC clients had made 20 offers of which 60% were free and the other 40% had restrictions attached. It may be noted that the majority of the sample offers last the length of the program contract, a decided difference from the novelty offer usually made for a limited period.

### Booklets

At no time since we have been keeping merchandising records have as many booklet offers been made as during this seven months of 1933. During the first three months of 1933 seven booklets were offered, but this figure jumped to 40 in the course of the next four months.

### Contests

There were 27 contests conducted over NBC networks throughout the 13 months ending Dec. 31, 1933. For the seven months ending Aug. 1, 1933, 45 contests were listed, some clients sponsoring as many as six or eight contests during this period. While these contests varied considerably in general nature, there was a noticeable swing toward the idea of giving some type of premium to each and every entrant. Too, the contests of \$100-drawn-to-offer-more small prizes, instead of a few big ones, thereby assuring additional good will, and cutting down the number of dissatisfied losers.

### Children's Programs

Checking the roster of NBC commercial programs for the first seven months of 1933, we find that 16 were aimed at children, and on each of these programs some type of offer was made, indicating that sponsors of children's programs are agreed 100% on the idea of giveaways.

But in spite of their great interest these novelty offers and contests are only a small part of the merchandising job that should be done to make a radio program 100% productive. Direct response from listeners is important, but the effect of radio on dealers and sales clerks is too great to be ignored. No broadcast advertiser is getting the most out of his broadcast expenditure unless he sells the campaign to his sales and distributing organization, jobbers, retail dealers, or house-to-house canvassers. We are glad to say that it is now the exception rather than the rule for any advertiser to go on the air without giving his salesmen and dealers a good advance story. A whole bag of tricks from the promotion department is turned loose to cash in on the radio programs of at least 75% of NBC sponsor.

### Film Adjunct

Some advertisers, notably Standard Brands, have made commercial films, which draw heavily upon their radio programs as interest-gainers. In presenting a complete advertising plan to dealers, General Food has recently made a picture of the Maxwell House Showboat program, for public consumption, and it is more than likely that others will follow suit.

Experience has taught radio advertisers the results to be expected from tying-in the air programs with their other advertising. They have found increased enthusiasm and cooperation from employees, salesmen and dealers. With a point of purchase radio reminders, in the form of window strips, counter cards and other store displays, they have bridged the gap between the time of the broadcast and the moment when the consumer is at the sales counter.

NBC considers merchandising important enough to maintain a professional service staff to work up ideas for its clients, and to pass along to others the ideas used successfully by clients on the air. Merchandising is an important unit in the broadcast advertising picture, and this unit is getting wider recognition all the time.

*Season's Greetings*

FROM

**MRS. GERTRUDE (MOLLY) BERG**  
 AND THE  
**GOLDBERGS**

**CONGRATULATIONS**

TO

**M. H. AYLESWORTH**

AND

**THE NATIONAL  
 BROADCASTING COMPANY**

on Their Seventh Anniversary

Seven years is a long time in radio. You have certainly made the most of them in the interests of your audience, your clients and your stations.

**WSM**

The National Life and Accident Insurance Company, Inc.

NASHVILLE, TENN.

*WLS*

The Boys and Girls of Radio

Station WLS and The National Barn Dance wish a Happy New Year to all their friends, and hope it will be the finest ever.

**WLS**  
**THE PRAIRIE FARMER STATION**  
 CHICAGO

THE WHOLE WORLD IS LEARNING ABOUT THE

**WLS MERRY-GO-ROUND CREW**

**JOHN LAIR — CARL DAVIS — HARDY TAYLOR — SLIM MILLER — RED FOLEY — LINDA PARKER  
 LULU BELL — EDDIE ALLEN — SPARERIBS — SUE AND SALLY**

MAKING MONEY FOR THE THEATRE OWNERS AND ENTERTAINING THE PUBLIC  
 FOR DATES WRITE RADIO STATION WLS CHICAGO, ILL.

LUCKY  
 STRIKE  
 WEAF  
 Sat., 9 P. M.

ED SMALLE Presents  
**THE LEADERS**  
 DICK BALLOU ED ELLINGSON GLENN CROSS

LIMIT, Sun., 9 P. M.  
 WABC  
 Mon., Tues., 11 P. M.  
 WJZ



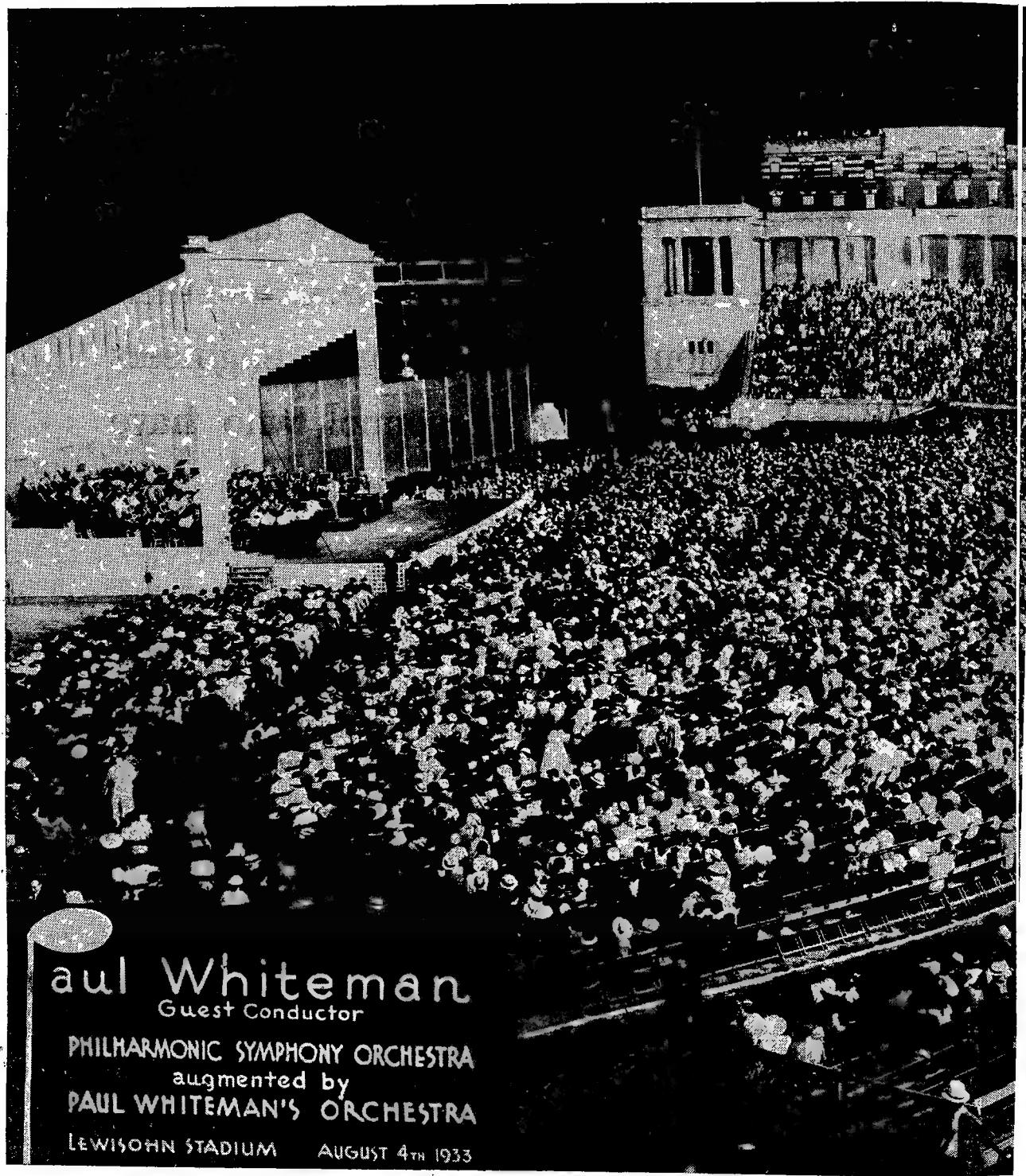
EXTEND my deepest appreciation not only to N. B. C. and their production and control men, engineers and all of their personnel who have helped broadcast our programs.

*but also*

To: Standard Brands, for their continued faith in me— To: John Reber and the radio staff of the J. Walter Thompson Company for their invaluable aid, friendship and psychological help— To: Every Radio Station, large or small, which at any time carried our programs— To: All the fine artists who, over some four years contributed their artistry to the success of our broadcasts— To: The music publishers, their contact men, writers, composers and arrangers who have given us the songs we play and sing— To: My boys and my office staff, who have worked with me to continued success— To: Our listeners— in, who have been patient, loyal, and, I hope, some what entertained.

Microphonically;





**Paul Whiteman**  
Guest Conductor

PHILHARMONIC SYMPHONY ORCHESTRA  
augmented by  
PAUL WHITEMAN'S ORCHESTRA

LEWISOHN STADIUM AUGUST 4TH 1933



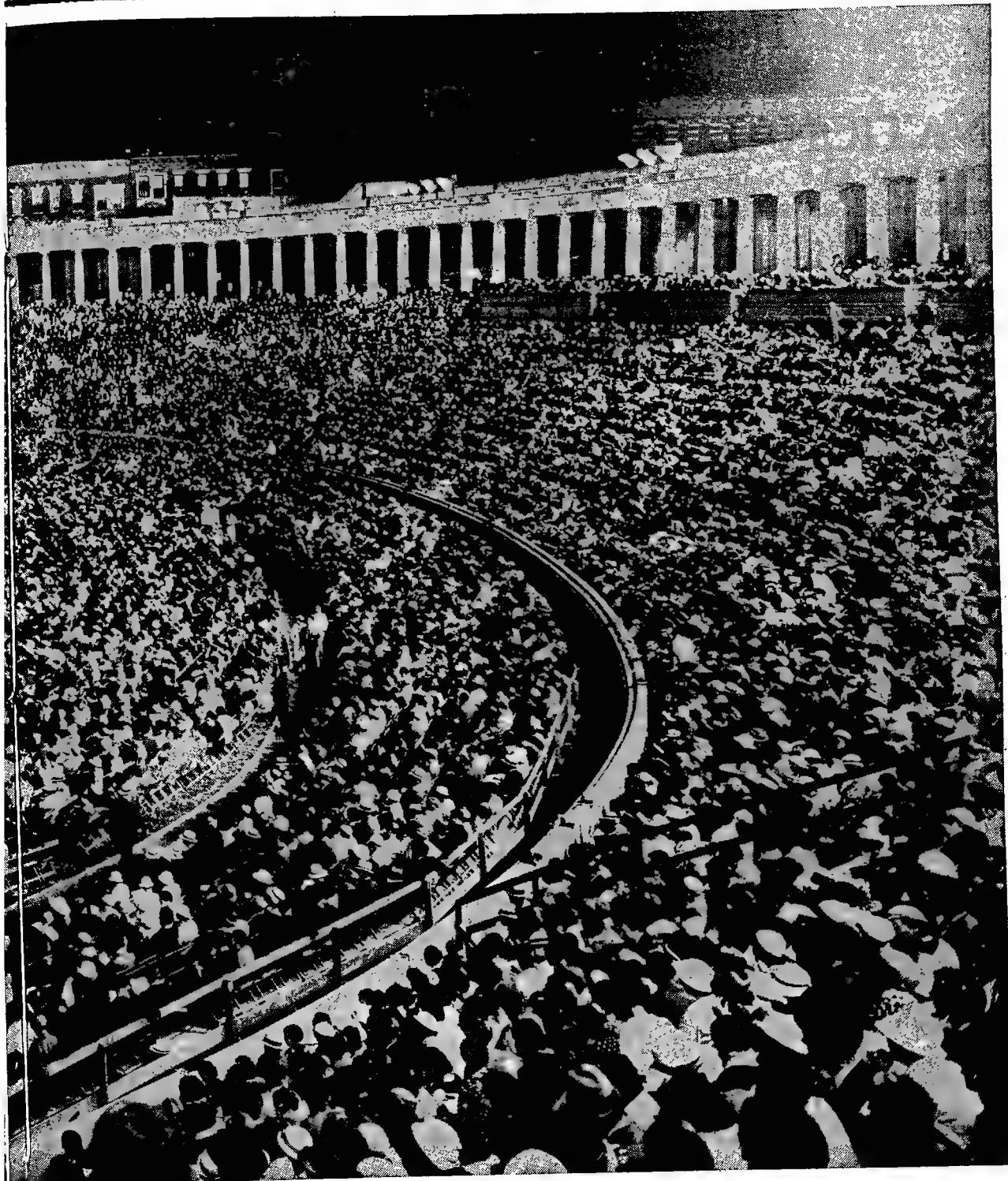
**THANKS TO**

THE KRAFT PHENIX CHEESE CORP.  
THE J. WALTER THOMPSON CO.  
MR. JOHN U. REBER

**NBC COAST-TO-COAST NETWORK**

Artists' Management Bureau, Inc

*Personal Direction*



**ASSOCIATION TO MIKE SHEA  
BILTMORE HOTEL, NEW YORK  
COMMENCING ONE-YEAR ENGAGEMENT JANUARY 4.**

JACK LAVIN

Park Central Hotel, New York

**VICTOR RECORDS**



# Young & Rubicam

## presents:



### THE BYRD SOUTH POLE EXPEDITION

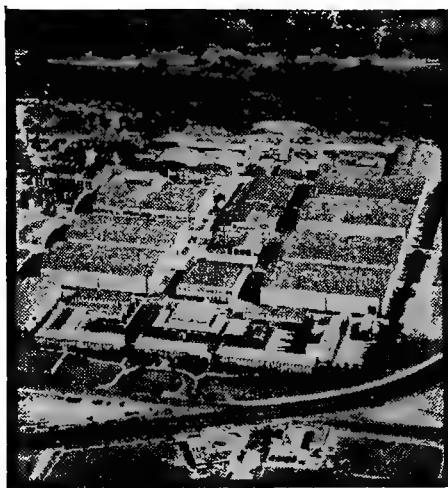
The greatest adventure of the modern world becomes the greatest adventure in radio. The actual experiences of the Byrd expedition broadcast from the South Pole by the men down there. For Grape-Nuts.

*A Young & Rubicam Radio Show*



**THE WIZARD OF OZ**—The first children's fantasy—hailed by press and public alike because it is high adventure without being "Blood and Thunder." Gets a bow from the grown-ups who like it, too! For Jell-O.

*A Young & Rubicam Radio Show*



Fairchild Aerial Surveys, Inc.

**Coming Soon—45 MINUTES IN HOLLYWOOD.** Stars, movie news, interviews, pre-views, music—all the fascinating glamour of the world's moving picture capital, in a sparkling three-quarters of an hour, once a week. For The Borden Company.

*A Young & Rubicam Radio Show*



*What Broke up this Happy Romance?*

**Coming Soon**—The greatest, of all the "lovelorn" columnists, presenting gripping dramas, romances and tragedies from the hearts of America's millions. Product and name of program cannot be announced until later.

*A Young & Rubicam Radio Show*



**ALBERT SPALDING**—The first great instrumentalist ever featured in a weekly series of commercial programs. A superb genius, playing the music that the man in the street can understand. For Fletcher's Castoria.

*A Young & Rubicam Radio Show*



**LEO REISMAN AND THE YACHT CLUB BOYS**—Radio's smoothest dance music and Broadway's sauciest songs blended in one of the gayest, most popular Saturday evening half-hours. For None Such Mince Meat.

*A Young & Rubicam Radio Show*

YOUNG & RUBICAM, INC.  
Advertising  
NEW YORK • CHICAGO • DETROIT  
PHILADELPHIA



"There is nothing  
finer than a  
Stromberg-Carlson"

### WHAM

at Rochester (29000  
water owned and op-  
erated by Stromberg-  
Carlson. The most  
powerful station in  
a prosperous area of  
86000 square miles



**T**HIS Radio and Automatic Phonograph is a seven-octave reproducer that will make you feel you are actually present in the new Radio City Studios on all future broadcasts. It will also bring you new joys in the reproduction of programs of your own choosing from records. When Te-lek-tor equipped, it may be remotely controlled from your arm chair or bedside. Our masterpiece.

STROMBERG - CARLSON TELEPHONE MFG. CO., ROCHESTER, N. Y.

# HENRY KING

BRUNSWICK  
RECORDS



AND HIS

**HOTEL PIERRE  
ORCHESTRA**  
NEW YORK

BROADCASTING  
Mon., Wed., Fri., NBC

## SEASON'S GREETINGS

Personal Management IRVING MILLS 799 Seventh Ave., New York City

NBC's Romantic Tenor

**THE POET PRINCE**  
Anthony Frome

WJZ  
11:15 P. M. EST

Coast to Coast

Direct From Radio City  
Music Hall Studios  
Mon., Tues., Wed., Thurs.

Radio's Outstanding  
Character Artist

**TEODY BERGMAN**

Appearing as  
"BLUBBER"  
ON  
VAN NEUSEN

"RUBINOFF"  
ON  
CANTOR SHOW

Featured with BERT Lahr  
Also Created  
**JOE PALOOKA** and  
Many Other Characterizations

Radio's Foremost Trio

**THREE X SISTERS**  
PEARL, VI and JESSIE

NBC NETWORK and  
Headline Attraction  
In Theatres Everywhere

Featured on Tydol,  
FORD Show, BEST Foods  
Etc.

IN PREPARATION  
**X Girls in University X**  
WJZ, Mon. and Fri., 6:30 P. M.

Comedy Stars of  
Maxwell House Showboat

**MOLASSES 'N'  
JANUARY**

Will Be Featured in  
**PICK and PAT**

Variety Minstrels  
A 1-HOUR DIVERSIFIED  
SHOW WITH MANY  
UNUSUAL FEATURES  
NOW IN PREPARATION

Radio's First Lady

**VAUGHN DE LEATH**

Now Ready for Showing  
"Savannah Hannah"

for Melody Circle  
ical Dramatiques

FEATURED  
As the Original  
Firestone Girl  
WRIGLEY-GOODYEAR-  
GOODRICH and Many Others

A New Star Is Born

★ LITTLE ★  
**MARY SMALL**

The Small Girl  
With the Big Voice  
OVERNIGHT  
SENSATION  
ON

**VALLEE HOUR**  
Starred on Ford Show  
Also Terraplane with  
B. A. Rolfe  
Los Angeles Examiner says:  
"Astounding. 11 years old. How  
her talent was not revealed be-  
fore is a mystery."

Personal Management—**ED. WOLF**—1450 Broadway, New York City—Tel. CHICKering 4-7722

## HIGH-CLASS GREETINGS FROM

# RAY PERKINS

Personal Management  
**SELDY BROWN**  
Rockefeller Centre, New York

At Home Occasionally  
**N. X. C. HANGOUT**  
The Barbizon-Plaza

SEASON'S GREETINGS

**L. WOLFE GILBERT**

Collaborates with

**EDDIE CANTOR**

on His Sunday

CHASE & SANBORN BROADCASTS

After an absence of several  
months from the air Eddie  
Cantor returns, and in three  
weeks, with Cantor-Gilbert  
scripts, is number "One"  
the air.

## THE WHOLE WORLD WILL LEARN ABOUT THE

*Roundup of the Barn Dance Stars*

**GENE AUTRY**   **JIMMY LONG**   **ROY WESTON**   **MAX TERHUNE**   **GIRLS OF GOLDEN WEST**  
**PRairie Ramblers** - **Patsy Montana** - **OLIF, THE SWEDE**   **THE STRANGER**

Just Started on Tour and Doing the Same Business as the BARN DANCE Did  
FOR DATES WRITE RADIO STATION WLS

CHICAGO, ILL.

# Happy Birthday

TO ALL YOUSE GUYS

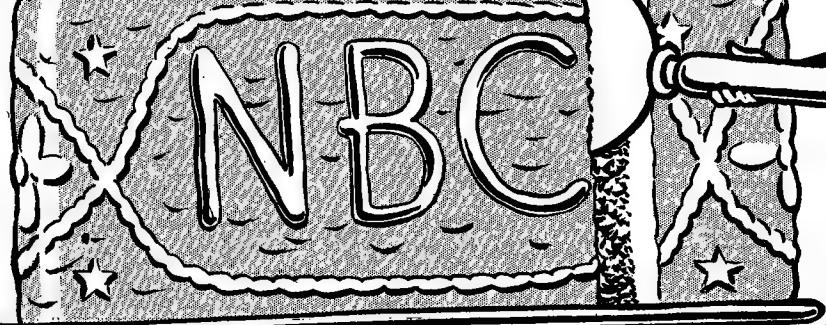
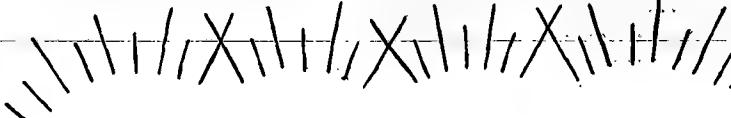
from

BEN BERNIE AND ALL THE LADS  
and

THE ALMA MALTA  
PABST BLUE RIBBON BEER

and

GOOD OLD BLUE RIBBON MALT



## THE YEAR IN MUSIC

By Abel Green

Tin Pan Alley saw its turning point in 1933 as did other industries. For the axiom of the pop music field that the times directly govern music sales was manifested with the turn in the country's economic conditions. The Roosevelt administration heartened the music publisher although the accepted normal standards of the past are still very remote.

However, where a hit tune was accepted on the basis of the 200,000 mark, there have been quite a few 400,000 clickers the past year, proving that the accepted parity was fully 100% improved. But considering the 500,000 and 1,000,000 copy hits of yesteryear, before and after radio, 400,000 is still far from satisfactory.

Result has been that the music publisher, more than ever, figures his business on the number of copies turned over gross rather than the number of copies per song. The songwriter, in such scheme of things, literally is left holding the bag and through nobody's fault save that ole debbil conditions.

Where a publisher may figure to operate within a certain range, by selling so many copies gross per day, this does the songwriter little good if it means that 200 copies of that song, 60 of another, 50 of another, etc., makes up the publisher's income. The individual songwriter cannot prosper with these sporadic sales. Hence, more than ever, it fell to the lot of the songsmiths to operate on similar lines, i.e., get as many songs on the market for the double purpose of collecting royalties in drabs and drabs from divers sources, and also for the purpose of maintaining high rating in the American Society of Composers, Authors and Publishers.

Also more than ever the ASCAP became the financial fountain-head of the business, directly affecting the economic destinies of both writer and publisher. And with this intensified application of thought to the Society income there came about much embittered opposition from the users of copyrighted music. Not only have the old music trust charges been revived and recrystallized in sundry legal, institutional campaigns and would-be legislative attacks, but the ASCAP, but from within the music business has much dissension cropped up.

## Royalty Sickeri

When it comes to cutting up a melon of any kind, particularly if run into \$2,000,000 annually, no one seems entirely satisfied. The top-split collectors feel they're entitled to more; the lesser-income recipients want more. Which has led to additional intra-Tin Pan Alley hard feeling over previous year.

This culminated first in a double-classification being formed to include Feist, Berlin, and Harms. What happened? Witmark, with a flock of hits riding, and citing Victor Herbert, Ernest R. Ball and kindred catalogues as background, wanted a similar AA money split. And so on down the line. A class CC publisher wanted B money; a double-B wanted A royalty, etc. This eventuated in still another classification being formed — AAA. Harms, Inc., alone fell into that niche and AA went for Feist, Berlin, Robbins and Witmark.

Amidst this internal wrangling over royalty demands Joe Morris, E. B. Marks, Sam Fox and Robbins filed petitions with ASCAP or started suits for reclassification. Robbins, while in A, had been demoted to C when a question over the proper assignment of Metro-Goldwyn-Mayer song copyright arose. Robbins is 51% owned by Metro, and everything is copyrighted in MGM's name, and then assigned to Robbins Music Corp. Pending an adjustment of these legal technicalities two quarterly periods slipped by and Metro-Robbins received minor C money, hence a suit for reimbursement although this firm was subsequently upped to A again and later to AA.

By virtue of "In the Valley of the Moon" and kindred homely songs which somehow managed to stay on top for a long time and reach the rare 400,000 copy turnover, Joe Morris squawked about his C classification. Ditto Marks who cited his thousands of standard music copyrights in evidence of the value of the Marks catalog for broadcast purposes. Ditto, too, Sam Fox who, through Fox Film and other cinematic affiliations, wanted a better royalty dividend. Julian T. Ables

was retained variously as counsel by all of those protestants and the latest evolution is a proposed legal attack on the constitution and board of governors of the ASCAP.

The annual dinner of the Society early '33 made much of the self-perpetuating board of the ASCAP and Edgar F. Bittner, head of Leo Feist, Inc., who has long been a diligent and loyal champion of the Society's woes, took umbrage at some of the writer-members' capriciousness to the extent of resigning his position on the board. Jack Robbins ultimately succeeded him. This seemingly undue stressing of the Society's results from the industry's own attitude concerning the Society—it is the money source of much that makes the business possible.

In line with the general idea of economic retrenchment, the Music Dealers' Service, Inc., after much pro and con as to its practicability, seems to be popularly accepted as a good thing for the business. MDS is the central shipping outlet for most of the popular publishers with a number of exceptions, notably Robbins. (It will be noticed that the Robbins firm has been a stormy petrel in several industry matters in preferring a lone-wolf attitude, some of it presumably dictated by the Metro-Goldwyn-Mayer home office.)

The MDS was attacked by Richmond-Mayer, the sole remaining big jobber in New York, as a monopoly, and a damage suit started. It is just now coming to a head. R-M took over Plaza Music Co.'s popular business when that firm went into receivership for the second time. This step, incidentally, let out Jerry Vogel as head of the sheet music department. Considering that Vogel had been 25 years with that one firm and has contributed in more than one way to the music business, this was a significant trade occurrence.

Then organized Frank Crumit Songs, Inc., for the radio singer, and distributing via F. B. Haviland. MDS' program of opening up or developing new sheet music trade outlets is still being carried out under the general management of Maurice Richmond, former head with Max Mayer of Richmond-Mayer, which latter now alone continues and who is suing MDS.

## Screen Song Revival

The notable song hits of 1933 were capped by "The Last Round Up," a cowboy-hillbilly, and "Who's Afraid of the Big Bad Wolf?", a surprise by-product of the exceptionally popular Walt Disney cincartoon, "Three Little Pigs".

This, along with the revived cycle of screen musicals, re-created a lesser edition of the 1929 Hollywood gold rush by music men. It wasn't and doesn't threaten to be as intensive as the 1929 heyday, but with revival of screen musicals' popularity the songs from pictures virtually underwrote themselves as commercial entities. A "Gold Diggers," "42 Street," "Footlight Parade," "Too Much Harmony," "Sitting Pretty" and even "I'm No Angel" (Mae West, not strictly a musical) were certain to boom a fair quota of sales with a minimum of effort.

For the songwriter this Hollywood Gehenna meant the nearest approach to easy money again considering the minimum of royalty income from normal sources, and for the publisher with a Hollywood "hit" that makes sure of the screens as concerted and concentrated plugging media for his songs. Thus, once again, the mad scramble for angles and cut-ins on Hollywood. The battle was renewed between the studio and tunesmiths, the film makers looking upon song as but one of a hundred incidentals contributing towards the ultimate—a good picture. The Tin Pan Alley chiselers—and how they can chisel—always argued that the better the song is spotted the better for the film, not to mention their own sales.

Each publisher introduced his own hand-picked set of songwriters into the picture of making song pictures. When competition is that keen some skullduggery may occur. It did in some quarters with accusations of undue favoritism for some firm over another.

## Mits of the Year

But despite all the cinematic to-do, the song outstanders of the year were non-Hollywood in the main. "In the Valley of the Moon" (Shapiro-Bernstein), "It's a Mornin' Weather" (Mills) and "Lazy Bones" (Southern Music Co.) were among the most

signal of the year, and not via the Hollywood route. Joe Morris had two other clickers, "Little Street Where Old Friends Meet", and "Good Night Little Girl", more or less current, giving that Class C publisher the unique distinction of having three No. 1 songs of the country within one year.

There were few No. 1 topers as several had held over for more than one month. The Morris trio and "Shuffle Off to Buffalo" (from "42nd Street") were among these holdovers. "Shadow Waltz" also from "42nd Street" (Warner musical-Witmarks) while not a No. 1 seller, also rates with the more consistent holder-uppers on sales. It is still selling.

Among the emphasized overnight clickers, and which eased off almost as rapidly, were "Lazy Bones", "Stormy Weather" and "Big, Bad Wolf". All three skyrocketed and brooded almost as pronto although the Arlen-Kohler number, "Stormy Weather", was termed by many song sharps the best written and most unusual ditty in the last 10 years. But as commercial entities "Stormy" some 310,000 copies, and "Lazy Bones", 350,000 copies, were eclipsed by the more homesy and prosaic "Valley of the Moon" and "Last Round Up", each around 400,000 and "Round Up" probably going to the now sensational 500,000 mark.

"Big, Bad Wolf" only attained over 200,000 copies although when it started big the MDS moved copies of it off in 10,000 copy lots per day for some days. Jack Mills saw some 8,000 per day orders on "Stormy Weather". The film-music thing was given great impetus by the 400,000 gross turnover on the sundry "42nd Street" songs and by the 425,000 copies sold of the "Gold Diggers" musical, also Warners. Witmark published the first but WB figured it a good idea to bolster its other affiliate, Remick, and turned "Diggers" into a Remick copyright. Al Dublin and Harry Warren, among the most consistent hit writers in the business for many years, made history anew with both these WB musicals along with other picture songs.

The importance of the writer asserted itself via the film-musical vogue, the publishers using the capabilities of the tunesmiths as the entire wedge for Hollywood. Thus certain firms plugged certain writers. Bobby Crawford, on behalf of his DeSylva, Brown & Henderson firm, capitalized on the Mack Gordon-Harry Revel vogue with sundry United Artists and Paramount musicals. Irving Berlin, Inc., had Burton Lane and Harold Adamson for west coast entree. Robbins plugged, variously via Dorothy Fields and Jimmy McHugh, Gus Kahn and Walter Donaldson, and also had call on Richard Rodgers and Lorenz Hart as a team through its Metro affiliate, having signed these writers independently.

Warners, of course, had Dubin-Warren. Berlin tied in with Radio. Shapiro-Bernstein acquired the Mae West songs out of "I'm No Angel" and there were other sporadic Tin Pan Alley Hollywood matings.

## Case of Rodgers and Hart

From the writers' viewpoint, the case of Rodgers and Hart is typical. This pair had their own Rodart Co., a Harms subid. They were sponsored for many years, in fact, ever since their "Garrick Galettes" novitiate, by Harms. But when learning they were worth \$104,000 a year as a team writing special song material for flickers, Rodgers and Hart forgot all about the publishing adjunct. Thus, they cared little, if any, about who was their merchandising outlet in sheet music as long as their cinematic income, at the rate of \$1,000 a week each per assignment, was assured. Song royalties became dwarfed proportionately.

In line with the Warner idea of shunning "Gold Diggers" away from the already prosperous Witmarks in order to bolster the Remick catalog for ultimate upping in the ASCAP rating, the same idea was employed by Harms, Inc., on behalf of T. B. Harms Co. These are different companies: T. B. Harms is owned by Jerome Kern principally and exclusively publishes that composer's works, thus giving Kern both a writer and publisher proprietary interest in the company's output.

Harms, Inc., decided to build up T. B. Harms Co. for the same reason that WB decided in favor of Remick; and also in order to increase the value of its pet composer's (Kern) income from his own company. Incidentally the Harms-Remick-Witmark group is all under (Continued on page 82)

## A Stage Child's Letter to Santa

Dear Santa:

I am Baby Stinko. That's my stage name and I give imitations. My mama says I am going to be a great actress some day if I am good to my mama and never mind papa.

I cannot tell you how old I am because I am never the same. On the train I am 6 and in the theatre they say, "Baby is 15, she was always small for her age. Inspector."

Anyways, Santa, all I want is Cincinnati and St. Louis and do not ever book me for another Xmas in Brooklyn. And I want a crack at CBS, a test from Paramount and you might as well arrange something with Fox just in case. And I only want one more thing, dear Santa. Please send a mickey Finn to the Gerry Society.

Baby Stinko.

## ASCAP May Revise Collection System, Drop 35 Lawyers, Seek Good-Will of License Holders

## DISC ROYALTY UP

Brunswick and American Checks Look Better

Royalty checks distributed by the American Record Co. and Brunswick among music publishers last week were the largest received from either source in about two years. Exceptionally hefty increase was represented by the American Co.'s drafts. Statements covered the sales for the third 1933 quarter.

American Co. specializes in the cheaper labels.

Revision of the American Society of Composers, Authors and Publishers collection system, which is now under discussion by the organizations' directorate, may result in the elimination of the legal element from this assignment. Directing minds of the performing rights combine believe that the time has come for the legalistic attitude to give way to the diplomatic silk glove. By setting up its own staff of laymen district collectors, more likely to suavify and sell the Society as an integral part of the industry or business involved, the ASCAP headmen feel that they can overcome much of the existent antagonism from license holders and bolster the organization's exchequer in the long run.

Under the present collection setup the Society has in its direct employ 35 lawyers, each in charge of a district but who farm out segments of their territory to other lawyers. For the California and northwest areas the organization maintains its own two offices, each supervised by non-lawyers. In the farming out process each lawyer along the line gets part of the flat commission allowed by the Society.

ASCAP directors figure that the personal contact of the non-legal collector in charge of a district would have a more persuasive influence upon the licensee holder or prospective than the impersonal, curt, legally phrased letter to which these sources have been accustomed.

## BERNIE OPENING HARE'S FLORIDA CAFE JAN. 13

Chicago, Dec. 31.

Sam Hare opens the Roman Pools in Miami on Jan. 13 with B. N. Bernie band going in for the initial two weeks.

Though now dated for a fortnight the Bernie band may stick indef.

## Pubs, Writers Talk Uniform Contract

Negotiations for a uniform writers' contract between the standard publishers and the Songwriters Protective Association will resume next week. Standard men several months ago asked that the matter be deferred until after they had disposed of the task of forming a code.

Uniform contract affecting the popular publishers has been in use by the industry for over a year. SPA attributes the boost in membership from close to 500 to over 600 to the benefits derived by writers from this revised contract.

## DeS. to Publish Other Par Screen Musicals

Paramount's 100% control of Famous Music Corp. will not monopolize Par filmsto for Famous publication. Bobby Crawford's DeSylva, Brown & Henderson, Inc., firm, for example, which now publishes Par screen musicals, has contracts for others.

Where the DeSylva firm has writers such as Harry Revel and Mack Gordon under exclusive contract, DeS., B. & H. will continue publishing their and other Par tunes.

Bobby Crawford, prez of DeSylva, out of the hospital after a recent serious siege, left last week for Palm Beach to recuperate and sail from there Jan. 2 via the Canal to further confer with Paramount studio officials on other Par pictures.

State police at Waverly, Tennessee, arrested six, busse-loads of musicians who were touring the state playing wildcat dance engagements. Motorcycle escort took the dance men into Nashville where they were compelled to take out automobile licenses for the state of Tennessee. Set the band back \$100.

## HARRY LINK JOINS DONALDSON, DOUGLAS

Harry Link moves into Donaldson, Douglas & Gumble, Inc., as special professional contact similar to the position he held with Kelt-Engel. Link acquires a piece of D-D-G and with Mose Gumble and Walter Douglas will handle the firm's affairs.

Walter Donaldson is not an exclusive writer with the firm bearing his name, being on the payroll of sundry film companies for whom he is writing film tunes.

Link's first number he is taking into the D-D-G catalog is "Junk Man" by Joseph Meyer and Frank Loesser.

## Talent Doesn't Share In New Year's Takings

Bridgeport Dec. 31.

New eve bookkeeping items:

Nitele here charged \$5 a plate and paid out \$30 for entertainers.

Solo dancer worked three holiday spots and grossed \$1.50.

## Henry Santly Seriously Ill At Mt. Sinai Hospital

Henry Santly, veteran music man, and partner in the Santly Bros. music pub company, is still very critically ill, confined to Mt. Sinai hospital, New York, suffering from a pernicious ailment that is robbing him of his physical vigor.

It's a blood condition and blood transfusion became necessary last week to sustain him physically.

## Year In Music

(Continued from page 51)  
Warner Bros. control dating back to that 1929 song-pool purchase.

As part of the T. B. Harms scheme Larry Spier was taken out of Famous Music Co. (another unit wherein Paramount and Warner Bros. were co-partners under the Harms aegis) and shifted into the Kern company as the personality head.

On the matter of song personalities Rocco Vocco's resignation from Feist, after 20 years with that firm, was big tin pan alloy news. Vocco joined Bobby Crawford, v.p. and general manager, and 25% partner in all the DeSylva, Brown & Henderson, Inc., and affiliated song interests. Crawford had left since bought out the name trio of the firm who were the original partners. The split came when the trio tilted among themselves and took up separate collaborations.

Another Feist alumnus, long since out of the company, Phil Kornblith, after various affiliations, finally hooked up with Ira Schuster as S-K, Inc., indie pub. Schuster is a songwriter who was prof. mgr. of Witmark with Bob Miller there as radio plug contactee. Schuster was ousted and is currently suing Witmark on an alleged contract. Miller subsequently also left and likewise started his own indie song pub biz, Irving Caesar, Inc., with Arthur Behrman, Harms alumnus, was also among the new starters.

Most signal rehabilitation of the year was the effect of *Last Round Up* on Shapiro-Bernstein which had long been hitless. Feist's low batting average with hits also was a matter of trade comment. Vocco's resignation revolved in part around the Feist organization's modus operandi whereby a song committed review to new material. That sort of editorial board selection is against all the tenets of the music biz which is strictly a personality-and-hunch game, and prides itself on so being.

## Retrenchments

In economic setup retrenchments had to be made but it was concluded that cutting down the operating budget was false economy. For as soon as a firm chiseled on its plugging organization that minimized the number of radio plugs. And since the multiplicity of radio plugs—it has been decided—is the norm for rating the activity and standing of the publishing firms, as soon as these ease off the relative standing of the firms proportionately diminishes.

Thus, one publisher whose monthly net was \$30,000 figured he'd cut it approximately in half or to around \$17,500 a month. He figured out that as a class A publisher his quarterly income from the ASCAP would be around \$3,000, or say \$35,000 annually. Figuring this as a skeleton operating expense, and making up the rest from mechanical money, sheet music sales, etc., he was in pretty good operating position. But such trimming didn't work out for the chiseling on manpower soon threatened his standing among the topnotch firms.

The use of radio plugs as a standard arises from the fact that radio broadcasters income comprises the bulk of the Society's yield. In the past the picture houses—in the day of presentations and country-wide deluxe cinemas—were equally as important; also hotels and restaurants. It is hoped that now with repeat the hotel and better class restaurant, instead of the outlaw speakeasy, which didn't respect proprietary music rights either will revive that field for music tax revenue.

Thus, the big league publisher must still operate on a nut from \$20,000 to \$35,000 a month. In the past, with branch professional offices, etc., a \$10,000 weekly overhead was average, the monthly operating cost running \$40,000 to \$50,000 for the top professional houses. This necessarily had to be trimmed, with a Chicago branch office (nothing as pretentious as in the past) alone, and men in the field otherwise covering New England, the West Coast, South, et cetera.

On the matter of personnel and budget-pruning Irving Berlin, Inc., with three expensive co-partners each drawing \$500 weekly against profits, culminated in Max Winslow, deciding to pass up the music business—his life's career—to engage in a new field of him—pictures. Winslow as well as Saul H. Bornstein, also of Berlin's, is on the Columbia Pictures directorate, hence Winslow's studio affiliation was natural. Bornstein and Irving Berlin continue operating Berlin, Inc., personally, the firm recently attain-

ing some top-money sellers in its catalogs plus the Irving Berlin musical shows.

## No Tunes Cycle

No particular trends in songs for the 12 months. But again, it was evidenced that those relatively few thousands of people still buying sheet music were shopping only for hits. Not like in the past when they'd kill a buck or two and buy some also-ran tunes. Now, as with shows and pictures, it's strictly the hits.

This started the perennial anti-radio argument anew that the other was making songs too fast and killing 'em faster; that by the time the public got around to visit a music shop for a hit something else had dropped up in the public fancy.

However, as regards the trends a reprise of some of the best selling titles indicates that the public did favor novelties on the order of *Let's Put Out the Lights and Go to Sleep*, *Stormy Weather* and *Lazy Bones*, or simple, earthy *Echo in the Valley*, *Valley of the Moon*, *Little Street Where Old Friends Meet* and *Last Round Up* school. *Big, Bad Wolf*, while technically of Hollywood origin, falls into the first or novelty class.

Actually the picture ditties were strictly governed by quality as to popularity. Most signal exception to this was Bing Crosby who almost single-handed made several songs into semi-hits. Crosby unquestionably stands out as a solo song interpreter, his Brunswick record sales attesting to that. But his record sales continued, disappointing, although they improved no little over the previous year.

Along with the novelty and the simple ballad, *Love Is the Sweetest Thing* (from England) and *Night and Day* are evidence that the average ballad or the musical comedy song still has sales value. But as a general thing, while a better quality ballad had been issuing off the tunesmiths' pianos, they're mostly a bit too clever for the general good of the music dealer. The professional staffs of the publishers have also concluded that what's good professional material for some radio warbler or band isn't always good commercial timber.

## Vallee as Defender

The artists, too, seem to be recognizing the value of song material more and more. Perhaps the most ardent champion of *Tim Pan Alley* anti-radio cause is Rudy Vallee. Not only does he extol the merits of song material and their creators on his broadcasts, but he lends more than passively willing ears to all new material.

In line with that, Vallee has also taken the cause of the music men into the strongholds of radio and the advertising agencies and has on occasion decried the anti-t.p.a. stand by excoriating the broadcasters who would begrudge the copyright tariffs to the composers and publishers whose song material makes possible the otherwise very little commercial radio shows which they underwrite. Vallee has also brought out that commercials pay heavily for talent and time facilities but become pretty over music license tolls.

Perhaps the most damage done to the music men's cause came due from the engagement as "music czar" of E. C. Mills. Ever since Mills reflected himself in the same light with Hays (films), Landis (baseball), et al, he seems to have gone a bit berserk not only in outside relations but intra-ASCAP, of which he is general manager. While an employee of the music men Mills has been sharply criticized by his own membership for his attitude in trying to run matters in arbitrary fashion.

This, perhaps, has been to the advantage of Oswald F. Schuetze, the National Association of Broadcasters and other Society antagonists.

The forerunner of the film theme song revival dates back to *'As You Desire Me'* and *'Farewell to Arms'*, both tunes actually non-thematic music. It was merely a case of Abner Silver and Albie Wrubel, most notably cashing in on the publicity value of about-to-be-released film. This didn't hurt a song title, approximating that of the picture, by any means. It was a psychological hookup and good showmanship for the songwriter, although, as happened in such instances, the song of the same name not only had nothing to do with the picture but often was developed in thought and idea remote from the plot of the picture.

*'Farewell to Arms'* was a notable



FERDE GROFE

instance of this, the Hemingway book title referring to a military cataclysm while the Tin Pan Alleyites chose to interpret arms in an amorous sense. It resulted in a couple of complications, incidentally; they started first when Robbins, as Metro's ally, saw to it that Garbo's likeness did not adorn the title page of *'As You Desire Me'*, marketed by a rival firm, Keit-Engel. But this didn't deter K-E from merchandising and exploiting *'Desire Me'* as an independent publication and making it a best seller, although there was no denying the semi-official and psychological advantage the song had through the publicity value of the Garbo-Metro film.

Paramount, too, has an official song publishing ally and when *Farewell to Arms* was marketed by a non-affiliated publisher, Par decided that the title of every picture from that lot would be "written up" synthetically, just for the copyright value and as a means for protection. This started anew the old saga about *Hannemacher, Schlemmer, I Love You*, and the host of other *I Love You* ditties that were the rage three or four years ago. (In truth it is said that *'I Cover the Waterfront'* was written up as a quasi-gag, although that developed into a hit, but with official United Artists' endorsement, however.)

Still another tilt on the picture song thing involved Robbins and E. B. Marks over *'Dinner at Eight'* (Metro), with Robbins claiming the "official" tieup but Marks dating back its own song to *'Dinner'* when it was a legit play and before filming. Marks also recalled that Robbins had stepped on Famous' toes with a similar squabble over picture song titles involving *'Love Me Tonight'* (Chevalier-Far), published by Famous officially. Robbins, however, had a non-tim song issued simultaneously, being careful to indicate that it was not hooked to the film of that name.

*Control Problem*  
But it was really the *'42 Street'*, *'Gold Diggers'*, *'Dancing Lady'*, *'Moonlight and Roses'*, *'Moonlight and Petals'*, *'Sitting Pretty'*, *'Going Hollywood'* and kindred type of film music that supplied the nation's cinematic song thematic. With the screen once again an important plugging medium, it became the problem once more to keep the plugs down and under control. That meant some restriction via radio, but where the tunes were popular, the requests, if not forthcoming to this or that self-important leader, usually irked where a radio commercial was involved.

The proposed music code which has not yet gotten anywhere, having been officially rejected by Deputy NRA Administrator Sol Rosenblatt, sought to officially cover this problem of controlling plugs—and also expenses for plugs.

The expense things mostly mean entertainment. The publishers are still taking beatings on cover charges and large parties for entertainment at openings, etc. Under the music men's proposed code it was a self-confession that the MPPA's proviso, not to go overboard on expenses, were ineffectual, or, at least not lived up to. There were other angles to the proposed code on expenses such as trade discounts to pupils and teachers on standard music, etc., but that didn't go for the average pop releases.

## British Idea Cools

Another trend of the year that didn't repeat itself was the Campbell-Connally idea of importing important American songsmiths (as with Harry Woods) to England and having them turn out a batch of 24 compositions or so, vesting the

## Most Played on the Air Last Week

To familiarize the rest of the country with the tunes most sung and played on the air around New York, the following is the compilation for last week. This tabulation will continue regularly.

Tabulation in turn is broken down into two divisions: Number of plugs on the major networks (WEAF and WJZ of the NBC chain, and WABO, key station of UBS), along with the total of plugs on New York's two most important independent stations—WOR and WMCA. Data obtained from "Radio Log" compiled by Accurate Reporting Service.

title.	WEAF	WJZ	WOR	WMCA	Total
<i>Everything I Have Is Yours</i> .....	23	12	35		
<i>One Minute to One</i> .....	15	15			
<i>Old Spinning Wheel</i> .....	13	16			
<i>Alie in Wonderland</i> .....	15	11			
<i>Did You Ever See a Dream Walking</i> .....	11				26
<i>My Wonderful One</i> .....	9	24			
<i>Sweet Madness</i> .....	24	10			
<i>Goodnight Little Girl</i> .....	11				21
<i>Don't You Remember</i> .....	8				
<i>You've Taken My Heart</i> .....	8				20

## British Music Also Groans

London, Dec. 15. Pop music in England is one of the subjects that in Charing Cross Road and its purloins is not seriously encouraged if it is intended to keep the party bright and cheerful.

After a tough year's sledding everyone is hoping Santa Claus is going to drop something into the stocking that will make it possible to keep going another year. The root of all the trouble, of course, is radio, which has not only decimated sheet music sales but has put the phonograph business in such a spot that the publishers' end of the royalties is only about 20% of what it was before.

Up to a few months ago things were not too bad. A publisher could more or less engineer his plugs in a systematic manner, and by the payment of a fee of from \$5 to \$15 per number (depending upon the standing, or the fancied standing, of the orchestra leader who had the benefit of the mike) he could be reasonably sure of a fixed number of plugs. As the orchestra leader was not getting anything from the BBC there was nothing wicked about it—in fact it was just an open secret and the only person the band boys didn't tell was the inspector of taxes. But somebody else must have said something as he took quite an impudent interest in the details.

Last July the BBC decided to go all generous and pay the leaders for their services and in the newly formed righteous called upon the pop publishers to never again pay a leader or artist. As the publishers could not at first believe the BBC was really serious in its threat to pay money, and they were going for their holidays anyway, they didn't jump to sign on the dotted line. So the BBC engaged the most expensive lawyer they knew and in court everyone agreed the only thing they wanted to do was to end paid plugging. The only difference now is that BBC is so scared there will be any plugging it will not allow a band leader to play a commercial number more than once, and instead of the pub-

lic, which company, in turn, sublet the American rights. In 1932 it worked—so well that American pubs squawked at the idea of an American songwriter contributing too effectively to a British catalog. But when repeated this idea, nothing, signal, evanuated. However, one of the biggest American pop hits was *'Love Is the Sweetest Thing'*, by the London dance maestro, Ray Noble. Harm's brought over. Otherwise there was no outstanding English contributions to American musicana.

The death of Henry Waterson, pioneer music publisher, was a matter of general regret in the trade. Long a Broadway figure—a true epitome of the boudoirard of yesterday's Broadway—his personal fortune dwindled with the years, although only within recent memory Waterson owned a string of race horses and was one of the most lavish entertainers on the Main Stem. He also was a pioneer in the old cat-whisker detector radio, but seemingly just a bit ahead of the times on radio. For a time, too, he cleaned up with the pop priced phonograph record besides engaging in book and other publishing ventures in addition to sheet music.

Charles Judeis is in as m. c. at the Tic Tac Club, Park Central hotel penthouse. Spot unvelled last night (31).

Edward I. Fishman flew with Judge Hyman Bushel to Hollywood last Friday (22) to mix a holiday stay with business.

Velyn Hayes, newcomer from the coast, goes into the Deauville Yacht Club, Hollywood, Fla., Jan. 5, booked by Jack Bertell.

Ritz revs. with their own revue return to the Hotel Floridian, Miami Beach, Feb. 1.

Lee reckenbacker Orchestra, Rita Dawn and Mary E. Cox Rueve at the Hotel Trojan, Troy, N. Y.

Myers Stockade at Mid-City Park, Albany, N. Y., has been reopened with George White's orchestra and a floor show, including Art Mallon as m. c.

## The Litigation Lingers On

By BEN BODEC

No issue coming under the head of the law of copyright has been so productive of much litigation and personal acrimony on the part of the user and so many court decisions as the exclusive right of the copyright owner to the public performance of his musical work for profit. In America, decisions favorable to the copyright owner steadily mount, but the litigation continues with every new source of music usage determined upon making a test case of itself.

Today this right of public performance is under attack from radio. The broadcasters seek not only to have the right as a Federal statute revised, but declare the American Society of Composers, Authors and Publishers a monopoly and surverys of the Sherman Anti-Trust Law, the Clayton Act and other similar legislation. Tomorrow the attack, it can logically be anticipated, is apt to come from the latest of public purveyors of music, the taxicab owner. By installing radio set for the convenience and diversion of his passengers, and advertising it as part of the service the taximan, holds the ASCAP, has subjected himself to the copyright law and the payment of a music tax.

The right of public performance existed even before the law of copyright. Far back in English history the author of a work became divested of this right when he turned it over for publication. This performance right was reinstated by the Statute of Ann, which held that even if the work were published the author retained full authority over its public performance. With the passing centuries, one European country after another embodied the double protection of publication copyright and public performance into its laws. Since colonists as a rule adopted the laws of their homeland the dual right was included in the statutes of the countries on this side of the Atlantic.

Prior to the organization of the

ASCAP the enforcement of the musical phase of the public performance right was a haphazard affair. Through a concentration of interest here the copyright owners were able to retain legal advice as to their rights, to effect methods of protection against legislative tampering with the Copyright Act of March 4, 1909, which reaffirmed the copyright owner's exclusive right to performance publicly for profit and set forth the penalty for violators, and to maintain a closer and more comprehensive check upon the places or media of performing these works. The first years of ASCAP's existence meant little else to the members but litigation. Before the Society's members could capitalize on this right allowed them under the law, the resistance from taxed users of music made it necessary that first an adjudication of the right be obtained from the courts.

### The '77 Decis

Issue finally got to the U. S. Supreme Court through the case of Victor Herbert, Harry Smith and others against the Shanty, operating Shanley's restaurant on Broadway, and against the Hilliard Hotel Co., operators of the Vanderbilt Hotel, N. Y. The decision was handed down Jan. 22, 1917, with Justice Oliver Wendell Holmes delivering the opinion of the court.

Said the court: "If the rights under copyright are infringed only by a performance they are very imperfectly protected. Performances not different in kind from those of the defendant could be given that might compete with and even destroy the success of the monopoly the law intends the plaintiff (the copyright owner) to have."

Hence not only did the tribunal reassert the monopolistic rights of the copyright owner to public performance of his work for profit but it held that as long as such performances are not eleemosynary the 'purpose of employing them is profit.' Whether a fee is collected for the music or whether use of the music pays makes no difference,

Sheet music business came through the past stanza with the best showing for a Christmas week in years. Turnover of stock at the Music Dealers Service, Inc., was almost equal in quantity to the highest week in November. Similar business condition prevailed with the indie jobbing firm, Lehman-Mayer Music Co.

Best six sheet sellers for the week ending Dec. 29, as reported by distribs. and syndicate stores, were:

"Old Spinning Wheel" (Shapiro).

"Did You Ever See a Dream Walking" (DeSylva).

"Goodnight Little Girl of My Dreams" (Morris).

"Anni Doesn't Live Here Anymore" (Berlin).

"Everything I Have Is Yours" (Robbins).

"Day You Came Along" (Ea-

mon).

averred the court. All the law was concerned with was the implied intent to profit.

With the issue thus clarified and giving carte blanche to the copyright owner to collect from all sources of amusement, those subject to the performance fee switched their object of legal attack to the ASCAP itself. In language similar to that being used by the broadcasters today, the Society was assailed by picture, hotel, owners, restaurants and dancehall operators as practicing in restraint of trade, using coercive methods, etc. In an injunction action brought along these lines by the 17th Street & St. Nicholas Avenue Amusement Co., Justice Gow of the New York Supreme Court on April 4, 1918, laid down a three point opinion that disposed of the monopoly by combination argument. This court held that the ASCAP is formed for lawful purposes; that it is exercising its lawful rights by bringing legal action for individual members against violators of copyright in protection of the members' income from music, and that there is no restraint of trade through any act of the Association.

Four years later the combination in restraint of trade angle again came up, this time in a Federal court in Pennsylvania. Case was that of T. B. Harms vs. William with Judge Thompson, of the eastern district, holding that a combination of composers, authors and publishers could not be brought within the provisions of the Sherman anti-trust act since a copyright is an intangible thing, separate and distinct from the material object 'copyright', and accordingly the right under a copyright to perform musical compositions is not trade or commerce any more than producing plays is trade or commerce; or producing grand opera, or the giving of exhibitions of baseball games. At no time since has the restraint of trade or combination in monopoly argument ever gone beyond a lower court.

### First Radi

The first test case on the performance right issue involving broadcasting had L. Bamberger & Son, operators of WOR, Newark, as the defendant. Judge Lynch of the New Jersey Federal Court, on Aug. 11, 1923, made it a sweeping decision for the copyright owner, giving it as his opinion that the least vestige of advertising connected with a radio station tagged that outlet as operating with a profit motive and thereby bringing it within the purview of the Justice Holmes' the purpose is profit definition.

Operators of WLW, Cincinnati, carried their defense of an ASCAP suit for an injunction to the U. S. Circuit Court of Appeals of the Sixth District, Ohio, and the judgment handed down here April 9, 1925, reversed a lower court's ruling in favor of the station. A year later, General Electric in behalf of WJZ, N. Y., appealed to the New York Federal Court against the Society's attempt to collect from that station a fee for music broadcast. The result of a hotel band pickup. This court affirmed the copyright owner's right to collect no matter where the music originated. Since then there have been no important court decision with regard to music and radio.

To return to the anti-trust angle, once before has the American Society been investigated by the Federal Trade Commission and the De-

## Best Sellers

## Where Will They Go?

By Abel Green

Repeal is rewriting America's nite life. This goes for America in general and roadway in particular.

Nite clubs and likker are synonymous, with the legalization of vintages, a new evolution in nocturnal amusement is coming about. It runs a wide gamut and is yet informative changes, shifting with the trends—and the themselves seem indeterminate.

This conclusion is by the question, as undecided, whether the with its pseudo-exclusivity, is to survive, or whether these boites have had their hey-hey day and the big hotels and restaurants are now to come into their own—and out of receivership.

At the moment the latter seems to be the case. The hotels have every one of their cafes, rooms and even unsuspected retreats open and doing bullish.

of the former now fully equipped with licenses, etc., are taking it on the chin. What's more, their limited capacities necessitates a bit higher tariff, and that doesn't help.

On other hand, the speaks, perhaps, employ the best drink mixers' extant. No denying that many of the new barkeep help, even at the better hotels, have to consult their likker Baedekers for how-to-do-it—and even then there are squawks. There are also classic instances where the bartender must ask the customer how to mix 'em, and there are unexplainable instances where a customer getting a daquiri drink, for example, mixed in a certain way at his favorite speak (and maybe it's the wrong way, but the only way he or she knows), insisting that the daquiris mixed elsewhere are all wrong.

Such is the grip of post-prohibition drinking on the habits of the pre-repeal rounders.

### As to Cui I

And cuisine. Save in two or three hotels the food doesn't begin to compare with the speaks. And they charge as much. Not that the speaks were giving it away, either—some of the reformed whisperlings charge now as before, \$2.50 and \$3 per plate d'hotte dinner and up to \$4 on Saturdays.

The speaks' income is now naturally greatly readjusted downwards, but no squawks. Legal booze is a bit cheaper, although many contend not as good—yet—and, of course, the big overhead, that 'protection' thing, is gone. This is what placed such a great burden on the prof drinkers; not the normal overhead, nor the rum-rumming of the high price of booze at the source, but the protection which had to be tacked on to the normal retail overhead, and thus passed on to the ultimate consumer.

With repeal imminent, as far back as a year and a half and two years ago, some of the better speaks, with full confidence in remaining unmolested, started investing heavily in outfitting their rooms. They became Urbaneque creations in modern, chromium and paneling. And probably became a liability, for a \$70,000 equipped room is not to be trifled with, hence the shaken down vultures probably got a bit more than expected. The now historic incident of moving out that classy onyx bar hung as a Damascus sword over those who might slight the 'protection' boys. But in the main the speak-wrecking prodlyvites were at

partment of Justice. In the former instance it was at the instigation of Sidney S. Cohen as president of the Motion Picture Theatre Owners of America. On Jan. 2, 1923, the PTC wrote Cohen that it could not see anything unfair about the Society's methods while the Department of Justice advised ASCAP, Aug. 6, 1926, that the Society had been investigated on the Sherman Act phase, as the result of complaints received, but the Government's prosecuting department had found nothing upon which to base an action.

a minimum the past year or two, save one relatively recent sloughing.

In this evolution of the speak, from its early crude blind-pig elementaries, into the drinking restaurant, etc., a form of stability provided the better spots. The mobsters, if in, were told to make themselves scarce and permit the suave bonifices—the front-men—to handle the patronage; that this wasn't a fleeting racket but an established business.

They became legit. They wanted only 'posse' people; protected the customer always; no promiscuous mixing; no barflies. Impeccable service, good likker, choice viands—and even with an eye to repeat trade. It was smart to be exacting, for New York certainly contains a clientele that reacts to and recognizes the niceties.

### Patriotic Flair

Still, when repeal came about they abandoned the hide-outs. It has become the thing to patronize the major hotels which were only historic names. What's more, the air of liberalism, the NRA, FDR and the good ole USA all figure somehow in this patriotic manifestation.

As for the dancehounds there are large name orchestras to be had in the hotels that no small capacity speakeasy can afford. And the prices are righter than ever; so much so that many who'd not touched any of the prof stuff have decided to take a drink. That many of these, along with the prohibition drinkers, are still disappointed by the brands on the market isn't doing the likker thing much good. Hence the general uncertainty on what the evolution.

Between New York Health Commissioner Shirley W. Wynne's blast against the spurious or inferior qualities of certain brands and the newspapers' sundry campaign exposing the blending of the best known brands as poor cutting processes, it may chase the boys and girls back into the speaks. The better class speaks always proffered good stuff.

From the drink thing, of course, the nite clubs had their own evolutions prior to Dec. 5. The Hollywood and Paradise, New York, type of large cabaret-restaurant set the pace which a couple of others tried to emulate and failed. This meant large nude shows, no cover, \$1.50 to \$3 minimum check (which included dinner), and in view of a 1,100 capacity or so meant weekly gross receipts of \$20,000. The show costs mounted to as high as \$9,000 a week, but there was enough margin of profit at that rate of income.

Then came the music hall type of continental supper club, which bids fair to catch on. The Casino de Paris, in the reconstructed New Yorker (nee Gallo) theatre, was the first, closely followed by the Manhattan Music Hall, a similar type of auditorium. Manhattan M. H. is on the site of the Manhattan theatre (formerly the Hammerstein), and in the Casino de Paris the seats are ripped out and tables substituted on a terrace orchestra and balcony, to insure good visibility. The shows perform on stage instead of the usual dance floor, and the patrons mount the rostrum to dance on the stage, with two bands in stage boxes giving out dancapation.

Revival of the Palais Royal (Dec. 22) was another signal landmark in a general move to 'bring back Broadway.' Whether that will happen is a moot question, although the sophisticates already are tiring of the sundry reminiscences of the Broadway that was—the Broadway of Shanley's, Rector's, Reisenweber's, etc.

The class speakeasy steered them all away from Broadway and into the East 50's and hideaway retreats. The hideaway thing will always be an element in nite life, whether in New York or Hokokus, but whether they'll come out into the open, the main, has yet to be seen.

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